

ARTICLE 4

Standards for Specific Land Uses and Accessory Uses

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CHAPTER 17.400 STANDARDS FOR SPECIFIC LAND USES AND ACCESSORY USES

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17.400.005 Purpose

This chapter provides site planning and development standards for land uses that are allowed by Article 2, *Zoning Districts, Permitted Land Uses and Zone-Specific Standards*, in individual or multiple zoning districts, and for activities that require special standards to mitigate their potential adverse impacts.

17.400.010 Applicability

Land uses and activities covered by this Chapter shall comply with the provisions applicable to the specific use, in addition to all other applicable provisions of this Title.

- A. Where Allowed.** The uses that are subject to the standards in this Chapter shall be in compliance with the requirements of Article 2.
- B. Land Use Permit Requirements.** The uses that are subject to the standards in this Chapter shall be authorized by the land use permit required by Article 2, except where a land use permit requirement is established by this Chapter for a specific use.

17.400.015 Adult Businesses

- A. Purpose and Intent.** The purpose of regulating adult businesses is to prevent problems of blight and deterioration that can be brought about by the concentration of adult entertainment businesses in close proximity to incompatible uses such as schools, churches, parks, recreational centers, and residentially zoned districts, or in proximity to other adult uses. It is also the purpose of these regulations to establish reasonable and uniform regulations to prevent the concentration of adult business establishments or their proximity to incompatible uses, while permitting such adult -business establishments in certain areas.
- B. Definitions.** For the purposes of this Section, the following words and phrases shall have the meaning respectively ascribed to them in this Section.

Adult Arcade. Any place to which the public is permitted or invited and where coin, or slug-operated, electronically or mechanically controlled amusement devices, still or motion picture machines, projectors or other image-producing devices are maintained to show images on a regular or substantial basis, where the images so displayed are distinguished or characterized by an emphasis on depicting or describing “specified sexual activities” or “specified anatomical areas.”

Adult Bookstore. An establishment having as a regular and substantial portion of its stock in trade, material that is distinguished or characterized by its emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas.”

Adult Booth. Any enclosed or partially enclosed portion of an adult business used for any of the following purposes:

1. Where a live or taped performance is presented or viewed where the material presented is distinguished or characterized by its emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas.”
2. Where persons engage in “specified sexual activities” or activities involving “specified anatomical areas.”
3. Where adult arcade devices are located.

Adult Business. Those businesses defined as:

1. Any business establishment or concern which as a regular and substantial course of conduct operates as an adult bookstore, adult theater, adult arcade, adult cabaret, adult figure modeling studio, adult motel or hotel; or
2. Any business establishment or concern which as a regular and substantial course of conduct offers, sells or distributes adult-oriented merchandise or sexually oriented merchandise, or which offers to its patrons materials, products, merchandise, services, or entertainment characterized by an emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical parts,” but not including those uses or activities which are preempted by state law.

Adult Cabaret. A nightclub, bar, or other establishment (whether serving alcoholic beverages or not) that features live or media performances by topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, and where such performances are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas.”

Adult Dance Studio. Any establishment or business that provides for members of the public a partner for dance, where the partner or the dance is distinguished or characterized by the emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas.”

Adult Hotel/Motel. A hotel or motel, as defined in this Title, that is used for presenting, on a regular and substantial basis, material that is distinguished or characterized by the emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” through closed circuit or cable television or through video tape recorder where video tapes are provided by the hotel/motel.

Adult-Oriented Merchandise. Sexually oriented implements, paraphernalia, or novelty items, such as, but not limited to: dildos, auto sucks, sexually oriented vibrators, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated, and battery-operated vaginas, and similar sexually oriented devices that are designed or marketed primarily for the stimulation of human genital organs or sado-masochistic activity or distinguished or characterized by their emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas.”

Adult Theater. A theater or other commercial establishment with or without a stage or proscenium that is used for presenting, on a regular or substantial basis, material that is distinguished or characterized by its emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas.”

Arcade Booth. Any enclosed or partially enclosed portion of an establishment in which an Adult Arcade is located, or where a live performance is presented on a regular or substantial basis, where the material presented is distinguished or characterized by its emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas.”

Establish. Establish includes any of the following:

1. The opening of operation of any adult entertainment business.
2. The conversion of any existing business, whether or not an adult entertainment business, to any adult entertainment business.
3. The relocation of any adult business.

Figure Modeling Studio. Any establishment or business that provides for members of the public the services of a live human model for the purpose of reproducing the human body, wholly or partially in the nude, by means of photograph, painting, sketching, drawing, or other pictorial form.

Material. Any material relative to adult businesses means and includes, but is not limited to, accessories, books, magazines, photographs, prints, drawings, paintings, motion pictures, pamphlets, videos, slides, tapes, or electronically generated images or devices including computer software, or any combination thereof.

Specified Anatomical Areas. Specific anatomical areas include any of the following:

1. Less than completely and opaquely covered, and/or simulated to be reasonably anatomically correct, even if completely and opaquely covered:
 - a. Human genitals or pubic region
 - b. Buttocks
 - c. Female breast below a point immediately above the top of the areola
 - d. Human or simulated male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities. Specified sexual activities means and includes the following:

1. Human genitals in a state of sexual stimulation or arousal; and/or
2. Acts of human masturbation, sexual stimulation, or arousal; and/or
3. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

Performer. Any person who is an employee or independent contractor of the adult business, or any person who, with or without any compensation or other form of consideration, performs live entertainment for patrons of an adult business.

- C. Restriction on Where Such Businesses May Locate.** No adult business shall be established, located, or operated in any zone in the City other than the C2 (General Business) and CM (Commercial-Industrial) Districts and only when within the ascribed distances of the certain specified land uses or zones as set forth here.

1. No such business shall be located within a 200-foot radius of any residential zone. The distance between a proposed adult business use and a residential zone shall be measured between the nearest exterior wall of the proposed use and the nearest

property line included within the residential zone, along a straight line extended between the two points.

2. No such business shall be located within 200 feet of any other adult use regulated under this Title. The distance between two adult businesses shall be measured between the nearest property lines of the adult uses along a straight line extended between the two points.
3. No such business shall be located within a 200-foot radius from real property boundaries of a church, temple, or other place used exclusively for religious worship, or from a school, park, playground, or similar use (collectively “sensitive uses”). The distance between a proposed use and a sensitive use shall be measured between the nearest property line of the proposed use and the nearest property line of the sensitive use, along a straight line extended between the two points.

D. Operation Restrictions

1. *Separation of Patrons and Performers.*

- a. No person shall perform live entertainment for patrons of an adult business except upon a permanently fixed stage that is at least 18 inches above the level of the floor, separated by a distance of at least 6 feet from the nearest area occupied by patrons, and surrounded with a 3-foot-high stationary barrier. No patron shall be permitted within 6 feet of the stage while the stage is occupied by a performer.
- b. When patrons are present at the establishment, they shall not be allowed to directly touch, fondle, or caress, as those terms are defined in *Kev, Inc. v. Kitsap County*, 793 F.2d 1053 (9th Cir. 1986), the performers while they are performing. This prohibition does not extend to incidental touching. Patrons shall be advised of the separation and no touching requirements by signs placed on the barrier and if necessary by employees of the establishment.

2. *Tipping.* If patrons wish to tip performers, tips shall be placed in receptacles that shall be located at least 6 feet from the permanently fixed stage. Patrons shall not throw tips to performers, hand tips directly to performers, or place tips in the performers’ costumes.

3. *On-Site Manager.* All adult businesses shall have a responsible person on the premises to act as manager at all times during which the business is open.

4. *Hours of Operation.*

- a. It is unlawful for any operator of an adult business to allow such adult business to remain open for business or to permit any employee to engage in a performance, make a sale, solicit a sale, provide a service, or solicit a service between the hours of 2:00 a.m. and 11:00 a.m. of any particular day.
- b. It is unlawful for any employee of an adult business to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service between the hours of 2:00 a.m. and 11:00 a.m. of any particular day.

- c. The hours of operation of any adult business that has a permit from the State Department of Alcoholic Beverage Control (ABC) shall be governed by the provisions of its ABC permit and not by this section.
5. **Age Restrictions.** It is unlawful for any employee, owner, operator, responsible managing employee, manager, or permittee of an adult business to allow any person below the age of 18 years on the premises or within the confines of any adult business if no liquor is served, or under the age of 21 if liquor is served.

If an adult business does not serve alcohol, it shall post a notice inside the establishment, within 10 feet of every entrance used by customers for access to the establishment, explaining that persons below the age of 18 years of age are prohibited from entering onto the premises or within the confines of the adult business. This notice shall be posted on a wall in a place of prominence. The dimensions of the notice shall be no less than 6 inches by 6 inches, with a minimum typeface of 25 points. If the adult business serves alcohol, it shall comply with all notice and posting requirements of the Alcoholic Beverage Control Department.

6. **Violations.** Any person who violates any provision stated in this Section shall be guilty of a misdemeanor and subject to a fine of \$1,000 and/or imprisonment for a period of up to 6 months.

E. Development Requirements

1. **Regulation of Booths.** No one shall maintain any adult booth unless the entire interior of the adult booth is visible upon entering into the adult booth, and further, the entire interior of the adult booth and body of any person in the adult booth is also visible to a manager of the establishment at all times. No partially or fully enclosed booths or partially or fully concealed booths shall be maintained. No adult booth shall be occupied by more than one person at a time. No openings or windows of any size or description shall be permitted between adult booths. No holes, commonly known as “glory holes,” shall be permitted in the walls or partition of an adult booth. No door, screen, curtain, or other covering may be attached or installed on any adult booth.
2. **Access Provisions.**
 - a. The operator shall not permit any doors on the premises to be locked during business hours and, in addition, the operator shall be responsible for seeing that any room or area on the premises shall be readily accessible at all times and shall be open to view in its entirety for inspection by any law enforcement officer.
 - b. Access to X-rated movies or video tapes shall be restricted to persons over 18 years of age. If an establishment that is not otherwise prohibited from providing access to persons under 18 years of age sells, rents, or displays videos that have been rated “X” or rated “NC-17” by the motion picture rating industry (“MPAA”), or which have not been submitted to the MPAA for a rating, and which consist of images that are distinguished or characterized by an emphasis on depicting or describing “specified sexual activities” or “specified anatomical areas,” said videos shall be located in a specific section of the establishment where persons under the age of 18 shall be prohibited.

17.400.020 Agriculture Uses

A. Purpose and Intent. The purpose of regulating agricultural uses is to ensure compatibility with surrounding uses and properties, and to avoid any impacts associated with such uses. In all residential zoning districts (R1 to R5), the following agricultural uses are permitted:

1. Farming, including all types of agricultural and horticulture, except:
 - a. Commercial dairies
 - b. Commercial kennels or rabbit, fox, goat, and other animal-raising farms
 - c. Egg-producing ranches and farms devoted to the hatching, raising, fattening, and/or butchering or chickens, turkeys, and other poultry on a commercial scale
 - d. Hog and other livestock-feeding ranches
 - e. Ranches operated publicly or privately for the disposal of garbage, sewage, rubbish, and offal
2. Flower and vegetable gardening
3. Nurseries and greenhouses uses only for purposes of propagation and culture and not for retail sales.

17.400.025 Animal Boarding, Pet Day Care, Veterinary Clinics, and Animal Hospitals

A. Purpose and Intent. This section provides operational standards for kennels, pet day care facilities, veterinary clinics, and animal hospitals in compliance with Article 2, *Zoning Districts, Allowable Land Uses, and Zone-Specific Development Standards*.

B. Operational Standards

1. All operations must be conducted within a completely enclosed building.
2. No pens, runs, buildings, or structures used for the confinement or shelter of dogs shall be closer than 100 feet to any existing dwelling on an adjacent property.
3. No pens, runs, buildings, or structures used for the confinement or shelter of dogs shall be closer than 50 feet to any property line common to other property, unless such adjacent property is devoted to another commercial kennel or veterinary hospital.
4. No pens, runs, buildings, or structures used for the confinement or shelter of dogs shall be located closer than 100 feet to any public street or highway.
5. The areas within the building where animals are boarded shall be sufficiently soundproofed to prevent a disturbance or become a nuisance to surrounding properties, as determined by the Director.
6. The areas of the building where animals are boarded shall have a minimum of 10 air changes per hour.

7. Animal isolation areas shall have 100 percent fresh air with all air exhausted and none returned to the ventilation system.
8. Public access areas shall be provided with a separate ventilation system from the animal boarding and treatment areas.
9. The areas used for animal boarding, isolation, and treatment shall be constructed of easily cleanable materials.
10. All areas where animals are present shall be cleaned a minimum of twice daily to provide appropriate odor control and sanitation.

17.400.030 Cafes, Coffee Houses, and Tea Houses

- A. Purpose and Intent.** The purpose of regulating cafes, coffee houses, and tea houses is to ensure compatibility with surrounding uses and properties, and to avoid any impacts associated with such uses.
- B. Applicability.** Cafes, coffee houses, and tea houses, if in compliance with the following provisions, set forth in this section, are exempt from a Conditional Use Permit:
 1. Located within an enclosed mall having no direct exterior access; or
 2. With no seats and a customer service area encompassing 250 square feet or less; or
 3. With hours of operation limited to 6:30 a.m. to 9:00 p.m. Monday through Thursday and 6:00 a.m. to 10:00 p.m. Friday, Saturday, and Sunday.
- C. Operation Restrictions and Development Standards.** For cafes, coffee houses and tea houses in compliance with the provisions stated in Section 17.400.030.B and therefore exempt from a conditional use permit, the following operation restrictions shall apply:
 1. Visibility into the interior of the premises shall not be blocked by window tinting greater than 20 percent opacity, opaque coverings of any nature, or by painted signs covering more than 25 percent of any window pane area.
 2. Illumination within the patron seating area of the business shall not be less than 1.0 footcandle per square foot.
 3. No entertainment, including karaoke, shall be permitted at any time. No televisions or monitors for video or audio transmission shall be provided.
 4. No more than four amusement devices shall be in the business at any time.
 5. No type or amount of alcoholic beverages shall be sold or allowed to be present at any time, for any purpose, on the premises.
 6. "No Loitering" signs shall be posted on the front and rear of the business and within the guidelines set forth by the City.
 7. No smoking shall be permitted within the establishment at any time.

8. Two handicapped-accessible public restrooms shall be required if 12 or more patron seats are provided.
9. No person aged 17 or younger shall be permitted in the establishment after 10:00 p.m. on any day.

17.400.035 Child Day Care Facilities

This Section provides location, development, and operating standards for child day care facilities, in a manner that recognizes the needs of childcare operators and minimizes the effects on surrounding properties. These standards apply in addition to the other provisions of this Title and requirements imposed by the California State Department of Social Services. Licensing by the Department of Social Services is required for all facilities.

A. Purpose and Intent. The purpose of regulating child day care facilities is to safeguard the health, safety, and general welfare of children, ensure compatibility with surrounding properties, and implement state law with regard to the provision of child care centers, as defined by the California Health and Safety Code Section 1596.76.

B. Day nurseries and nursery schools.

1. Operation Restrictions.

- a. All child day care centers shall comply with all applicable State of California regulations and requirements at all times.
- b. The business operator shall obtain all licenses and permits required by state law for the operation of the facility. The provider shall keep all State licenses or permits valid and current.

2. Development Standard.

- a. There shall be a single green play area of not less than 600 square feet plus an additional 75 square feet for each child in excess of six.

Such play area shall be located on the same or on an adjoining lot, but shall not be located in any required front yard.

C. Large Family Day Care Homes – Administrative Use Permit Required. A Large Family Day Care Home requires approval of an Administrative Use Permit, in compliance with Chapter 17.530 (*Administrative Use Permits and Conditional Use Permits*), and is subject to the following additional provisions:

1. Notice of filing of the application shall be in accordance with Chapter 17.630, *Public Hearings and Administrative Review*, and the following additional requirements:
 - a. The notice shall include information on the right to request a hearing on the application.
 - b. The notice shall be mailed by the Director within 15 days after receipt of a complete application.

2. Except as provided in Subsection 17.400.035.B.3., immediately below, the Director shall have authority without a hearing to approve, conditionally approve, or disapprove the application based on the required findings in Section 17.550.020, *Findings and Decision*.
3. If one of the property owners notified in compliance with Subsection 17.400.035.B.1., above, files a written request with the Division within 10 days after the date the notice was mailed, the application shall be referred to the Commission for public hearing. The hearing shall be promptly scheduled by the Director. Notice of the hearing shall be in accordance with Chapter 17.630, *Public Hearings and Administrative Review*, except only real property owners within a one-hundred-foot radius need to be notified. Any person may present oral or written testimony at the hearing. The Commission shall approve, conditionally approve, or disapprove the application based on the required findings in Section 17.550.020, *Findings and Decision*.
4. The decision on the application by the Director or Commission is final and effective 15 days after action on the application unless appealed in compliance with Chapter 17.640, *Appeals*.

D. Large-Family Day Care Homes – Development Standards. Large-family day care homes can operate in a residential zoning district provided that a large family day care permit has been issued in compliance with the conditions and the procedures specified herein prior to establishment of the facility:

1. The applicant lives in the home, and the home is the applicant's principal residence. The applicant shall provide adequate written evidence of its residency.
2. The use of the residence as a large-family day care home is clearly incidental and secondary to the primary residential use of the property.
3. The property or home has not been altered or structurally changed in a way that is adverse to the character or appearance of the residential zone.
4. The garage is not used for any purpose relating to the caregiving of the children.
5. No signs or other indicia that identify the residence as a large-family day care home.
6. There shall be a minimum distance of 1200 feet between the parcel on which the large family day care is located and the nearest other parcel containing a large family day care. The minimum distance required by this section shall be measured from the nearest property line to the nearest property line.
7. A six-foot high masonry wall shall be installed on the side- and rear-yard property lines adjacent to other residential uses.
8. Four off-street parking spaces shall be maintained, two of which may be garage spaces and two may be driveway utilized to serve the garage (one for the provider, one for assistant, and two for pickup and drop-off of children).
9. If the residence is located on a major arterial street, there shall be a drop-off/pickup area designed to prevent vehicles from backing onto the major arterial roadway.

10. A minimum of 1,000 square feet of contiguous rear-yard open space shall be provided.
11. Noise levels shall be maintained in compliance with Chapter 18.28, *Noise Control*, of the WMC.
12. The applicant is in compliance with all applicable regulations of the Orange County Fire Authority and Building Code regarding health and safety requirements.
13. The applicant has applied for a large-family day care home license from the State of California, Department of Social Services.
14. Applicant shall receive and maintain at all times a state license to operate the facility from the Department of Social Services pursuant to California Health & Safety Code 175906 et seq as a condition of approval to the granting of a permit by the City.
15. Applicant shall notify the city within twenty four 24 hours of any suspension revocation or termination of its state issued license to operate the large family day care home It shall be a condition of approval that the city issued permit shall only remain valid so long as the state license remains valid and in full force and effect The suspension or revocation of the state issued license shall constitute a sufficient basis for revocation by the city of the city permit
16. Any large family day care home permit issued by the City under the provisions of this section must be established and the use commenced within 180 days of the City's final authorization of the use or such permit shall become null and void Any large family day care permit issued by the City may be revoked following a public hearing if the use has been operated in violation of this ordinance if the use has been discontinued for a period of 180 days or more or if the license issued by the State of California to operate the facility is terminated
17. The applicant shall meet all standards of this permit at all times and maintain compliance with the conditions set forth herein throughout the use of the permit.

17.400.040 Commercial Development

For commercial-development design guidelines, please refer to the City of Westminster Design Guidelines Manual. This manual is not included in any article of this Title, but is available for review on the City's website or at the offices of the Division.

17.400.045 Conversion of Apartments to Condominiums/Townhouses

- A. **Purpose and Intent.** The purpose of regulating apartment conversions is to safeguard the health, safety, and general welfare of individuals and ensure compatibility with surrounding properties.
- B. **Standard Provisions.** The following standard provisions shall apply to the conversion of apartments to condominiums and stock cooperatives:
 1. The subdivision public report shall indicate that the closing of the sales for the units is conditional upon the sale of 50 percent of the units in the project.

2. The subdivider shall notify the existing tenants that no repair or remodeling activity will begin for a minimum of 30 days after the date of approval of the site plan.
3. Within 10 days of the date of issuance of any subdivision public report issued by the California Division of Real Estate, the subdivider shall notify the existing tenants of the date of issuance of such subdivision public report.
4. In the case of an existing building proposed for conversion to condominiums, application shall be made to the Community Development Department for an inspection and report on the general condition of the building, listing all code violations relating to the Uniform Building, Plumbing, Fire, Housing, and Electrical Codes in effect at the time of construction. Said report is to be completed and submitted with the application for tentative map and site plan approval. All corrections shall be made prior to the sale of the units. A fee established by the city council shall be charged for said inspections.
5. The building(s) involved shall be in conformance with Title 24 of the California Administrative Code, as such code applies to the use of the building, prior to the approval of the final map.
6. Plans of the interior division of the building showing both horizontal and vertical boundaries shall be submitted and reviewed by the City after approval of the site plan by the Commission.
7. A copy of the conditions, covenants, and restrictions; articles of incorporation; and by laws of the homeowner's association shall be filed with and approved by the City attorney.

17.400.050 Drive-In and Drive-Through Facilities

A. Purpose and Intent. This section provides standards for the location, development, and operation of drive-in and drive-through facilities, in compliance with Article 2, *Zoning Districts, Permitted Land Uses, and Zone-Specific Development Standards*, which shall be designed and operated to effectively mitigate problems of congestion, excessive pavement, litter, noise, traffic, and unsightliness.

B. Development Standards

1. ***Drive aisle length.*** The drive-through aisle shall provide a minimum of 140 feet of queuing length, of which at least 60 feet shall be provided before an on-site menu board. The drive aisle shall be measured along the centerline from the entry or beginning of a drive aisle, to the center of the farthest service window area.
2. ***Drive aisle width.*** Drive aisles shall have a minimum 10-foot interior radius at curves and a minimum 12-foot width.
3. ***Drive aisle separation.*** Each drive aisle shall be separated by curbing and landscaping from the circulation routes necessary for ingress or egress from the property, or access to any off-street parking spaces.

4. ***Drive aisle entrance.*** Each entrance to a drive aisle and the direction of traffic flow shall be clearly designated by signs and/or pavement markings as deemed necessary by the Director.
 5. ***Walkways.*** Pedestrian walkways should not intersect the drive aisles to the extent possible. Where they do, they shall have clear visibility and be emphasized by enhanced paving or markings as deemed necessary by the Director.
 6. ***Screening.*** Each drive aisle shall be appropriately screened with a combination of landscaping, low walls, and/or berms to prevent headlight glare from impacting adjoining land uses, public rights-of-way, and parking lots, as deemed necessary by the Director.
 7. ***Decorative wall.*** A 6-foot-high solid decorative masonry wall shall be constructed on each property line that adjoins a residential-developed parcel. The design of the wall and the proposed construction materials shall be subject to the approval of the Director.
 8. ***No reduction in parking.*** The provision of drive-through service facilities shall not justify a reduction in the number of required off-street parking spaces.
- C. **Additional Requirements.** Drive-in restaurants must also comply with the requirements of Chapter 8.12, *Drive-in Restaurants*, of the WMC.

17.400.055 Entertainment Associated with Other Businesses and Limited Entertainment Associated with Other Businesses

- A. **Intent and Purpose.** The purpose of regulating entertainment, as defined in Article 7, *Definitions*, offered in conjunction with a restaurant, bar, lounge, club, coffee shop, or any other similar establishment is to ensure such activity remains ancillary to the primary permitted use and to avoid and/or minimize any impacts associated with such ancillary uses.
- B. **Entertainment Associated with Other Businesses (excluding limited entertainment)**
1. **Development Standards**
 - a. In order for an entertainment use to be permitted, the primary permitted use must have a minimum floor area of 1,500 square feet or a legal seating capacity of 50 persons or more.
 - b. At least one restroom shall be provided for each gender, as required by the Uniform Building Code.
 - c. No more than 30 percent of the seating/retail area of the primary use shall be utilized for the purpose of providing entertainment.
 - d. The minimum parking requirements for the primary use shall be met.
 2. **Operation Restrictions.** If patron sing-along devices or machines are offered on the premises, such devices or machines shall not be considered as arcade or video games unless coins or tokens are required to operate them.
- C. **Limited Entertainment Associated with Other Businesses**

1. **Operation Restrictions, Limited Entertainment.** Limited Entertainment, offered in conjunction with a restaurant, bar, lounge, club, coffee shop, or any other similar establishment, shall be subject to all of the following qualifying requirements:
 - a. Live entertainment is limited to three or fewer performers, who are providing music and/or song that is an ancillary activity of the business.
 - b. Entertainment in the form of “karaoke” consists of pre-recorded music that is accompanied by singing performed by non-compensated patrons of the business.
 - c. Sound from entertainment activity shall not be audible more than 50 feet from the business as measured from the exterior walls of the tenant lease space or building if entertainment is part of a stand-alone business.
 - d. All doors, windows, entrances and exits shall remain closed during any performance.
 - e. Any performance must take place inside the business and in an area designated for the performance that will not interfere with entrances, exits, emergency exits, or the free flow of patrons through the business.
 - f. Stages or raised platforms must comply with all state and local laws.
 - g. No lines may form outside the business.
 - h. The use of third party promoters at the business is prohibited.
 - i. Entrance fee, cover charge, minimum drink or food order requirements to enter or remain in the premises is prohibited.
 - j. A police permit in conformance with all provisions in Title 5 of the Westminster Municipal code shall be obtained.

17.400.060 Food Manufacturing

- A. **Purpose and Intent.** The purpose of regulating food manufacturing is to safeguard the health, safety, and general welfare of individuals and ensure compatibility with surrounding properties.
- B. **Prohibited Food Manufacturing Uses**
 1. The following food manufacturing uses are prohibited:
 - a. Fish products
 - b. Sauerkraut
 - c. Vinegar
 - d. Yeast
 - e. The rendering or refining of fats and oils

C. Operation Standards

1. No noxious or offensive odors are permitted to emanate from the premises.
2. All equipment, its operation and maintenance, and food processing shall comply with all rules and regulations of applicable local, state, and federal agencies.
3. There shall be no retail sales.
4. The office area shall not exceed 20 percent of the gross floor area of the primary business.

17.400.065 Food Market

- A. Purpose and Intent.** The purpose of this section is to ensure that sufficient truck loading space is provided for food markets and that they are conveniently located to serve the market.

B. Development Standard – Food Market, Large

1. Food markets in excess of 10,000 square feet in gross floor area that engage in the sale of fresh produce and/or meats shall provide, to the satisfaction of the Division, at least one truck loading space with dimensions of not less than 14 feet by 55 feet.

C. Development Standard – Food Market, Small

1. Food markets between 2,500 and 10,000 square feet in gross floor area that engage in the sale of fresh produce and/or meats shall provide, to the satisfaction of the planning division, 250 square feet of truck loading space for every 2,500 hundred square feet of gross floor area within the market or major fraction thereof, with minimum dimensions of 12 feet by 20 feet, located in proximity to the exterior loading door to the main storage area of the market. Said truck loading space need not exceed 750 square feet in area.

17.400.070 Food Service Carts

- A. Purpose and Intent.** The purpose of regulating food-service carts is to ensure that they only provide for the on-site sale of food in conjunction with and as an incidental use to a primary permitted retail business.

- B. Permitted Locations.** Food-service carts shall only be permitted in conjunction with primary permitted retail businesses that contain 20,000 square feet or more of gross floor area. However, any such primary permitted business within an enclosed mall shall not be permitted to establish such a cart in a location exterior to the mall.

C. Restrictions on Operations

1. No more than one cart shall be permitted for each permitted business.
2. The sale of alcoholic beverages shall be prohibited.
3. The cart operator shall be responsible for the management and removal of all trash and refuse generated by the food service business.

4. The cart shall be limited to operating within the business hours of the primary permitted retail business.
5. Signs advertising and identifying the cart and its operation shall be limited to placement on the cart.
6. The cart operator or owner shall provide the necessary water and sewage connections as required pursuant to applicable City and county health regulations.
7. All food, condiments, tools, appliances, and machinery related to the operation of the cart shall be limited to placement near the cart and shall not exceed an area of 100 square feet. Customer seating or tables may utilize some additional area, provided that the extent of such seating and tables does not expand the cart's operation in such a manner that interferes with adjacent uses or encroaches into required parking or pedestrian movement areas, as set forth in Section 17.400.070.D.2.

D. Location Requirements

1. The cart may be located outside of the host business, provided the cart is sited adjacent to the structure and is clearly a minor and incidental use to the primary permitted retail business.
2. The cart shall not be placed within any public right-of-way, designated fire lane, drive aisle, landscaped area, required parking stall, loading zone, or doorway.
3. A fixed location for the cart shall be established.

17.400.075 Home-Based Businesses

The purpose of this section is to provide opportunities for limited business activities within a residential neighborhood, provided the activities are compatible with and do not interrupt or interfere with the general nature or residential character of the neighborhood.

- A. Home-Based Business Permit Required.** The establishment of a home-based business, as defined in Article 7, *Definitions*, within any residential dwelling unit requires the issuance of a home-based business permit. A business license will not be issued for a business in a residential dwelling without the issuance of the home-based business permit.
- B. Prohibited Home-Based Businesses.** The following is a list of uses that are prohibited home-based businesses and do not qualify for either home-based business review level one or level two.
 1. Adult-oriented businesses, including adult businesses regulated under Section 17.400.015.
 2. Alcohol sales, distribution, and/or manufacturing
 3. Automobile-related businesses, including the repair, servicing and/or refurbishment of vehicles; the sale and/or brokering of vehicles; and the sale, distribution, and/or manufacturing of vehicle parts
 4. Barbershop

5. Beauty salon, including the cutting and/or treatment of hair and/or nails and the application of make-up and/or cosmetics
6. Cabinet making
7. Carpentry, including the assembling, cutting, nailing, sawing, and/or sanding of wood and/or other materials
8. Construction, including the storage of construction-related equipment
9. Dance school
10. Exercise studio
11. Food preparation or sales, including the mixing and/or processing of food products, canning and/or bottling of food products; the storage and/or display of food products; and the sale and/or distribution of food products
12. Gambling, including those activities regulated in Chapter 9.12 of the WMC
13. Junk yard
14. Kennels, used for the housing, storage and/or breeding of animals
15. Livestock, as prohibited in Section 17.400.020 and including the breeding, care, slaughtering and processing of animals and/or animal products
16. Machine shop
17. Manufacturing, including: the assembly and/or creation of parts, components, goods and/or systems; the processing and refining of chemicals, materials, parts, products, and/or substances; the packaging and/or storage of chemicals, goods, materials, parts, products and/or substances; and/or the transportation of such chemicals, goods, materials, parts, products and/or substances
18. Massage, including those activities which are defined and regulated in Section 17.400.095
19. Medical uses, including facilities for dental, medical, and/or mental assistance, consultation and/or treatment; the storage of dental and/or medical supplies; and the sale or distribution of dental and/or medical supplies
20. Retail sales and consulting, including activities where one or more client, customer, and/or vendor visits the residential dwelling; and/or products are shipped from and/or stored at the dwelling
21. Taxi service
22. Vehicle towing service
23. Welding

24. Wholesale, including activities where one or more client, customer, and/or vendor visits the residential dwelling; and/or where products are shipped from and/or stored at the dwelling

C. Permitted Home-Based Businesses. Based on the nature of the business activities and potential impacts to surrounding properties, the permitted home-based businesses are divided into two levels: (1) home-based business permit level one (administrative review); and (2) home-based business permit level two (Commission review). The permitted businesses and permit issuance procedures are established as follows:

1. Home-based business permit level one

- a. *Permitted businesses.* Home-based business permit level one is intended for simple home businesses that have minimal potential for impacts to the surrounding neighborhood. Home-based businesses listed in Table 4-1 qualify for permit level one. The Director may determine that a use is equivalent to one of the uses listed in Table 4-1 and is therefore subject to the same review process. All of the permitted uses are also subject to the operational standards outlined in Section 17.400.075.C.1.b.

**Table 4-1
Permitted Home-Based Businesses¹**

<i>Professional Administration and Business Uses²</i>	<i>Special Conditions</i>
Accounting/Bookkeeping	None applicable
Architect/Landscape Architect, Engineer/Planning Consultant/Land Planner	None applicable
Attorney	None applicable
Billing Service Provider/Bookkeeping Services	None applicable
Computer Programmer	None applicable
Consulting and Business Service	None applicable
Data Processing	None applicable
Estate Planner	None applicable
Financial Services/Planner	None applicable
Health, Fitness, and Nutrition Advisor/Consultant	None applicable
Income Tax Services/Accounting	None applicable
Inspector's Office	None applicable
Insurance Sales/Services (health, home, life, vehicle)	None applicable
Interior Designer/Decorator	None applicable
Real Estate Developer/Lender	None applicable
<i>Mobile Business³</i>	
Building Contractor	Provided no construction materials, additional or oversized vehicles are stored on-site
Business Consulting	None applicable
Catering Services	Provided no additional or oversized vehicles are stored on-site
Courier	None applicable
Handyman (for minor home repairs)	
House Cleaning/Keeping Services (home, business)	None applicable
Internet or Web-based Business/Service Provider	None applicable
Kitchen, Bath, and Furniture Designer	Provided no construction materials, additional or oversized vehicles are stored on-site
Newspaper Delivery	None applicable
Title and Trust Services	None applicable
Travel Services	None applicable
Tutoring Services	None applicable

Table 4-1
Permitted Home-Based Businesses¹

<i>Professional Administration and Business Uses²</i>	<i>Special Conditions</i>
Word Processor	None applicable
Artist Studios⁴	
Ceramic and Pottery	None applicable
Copywriter Services	None applicable
Fashion Designer	None applicable
Fine Arts	None applicable
Graphic Artist	None applicable
Music Lessons	Only one student at a time
Photographer's Office and Dark Room	None applicable
Video/Film Editing	None applicable
Writer, Freelance	None applicable
Other	
Day Care, small family (maximum 8 children) ⁵	No less than 100 square feet of outdoor play area per child shall be provided on the premises
Floral Arranging	No materials at residence
Residential Care Facility (serving six or fewer persons)	Must be a minimum of 300 feet from another residential care facility
Tailor Services	None applicable

¹ Business license required for all home-based businesses.

² Have frequent personal interaction with individuals who meet in the home office. Materials and equipment related to the business operation must be typically found in the home.

³ Typically involve a significant time away from the home office.

⁴ Involve occasional one-on-one interaction with individual client groups.

⁵ These provisions only apply as permitted by state statute.

b. *Operational standards for level one home-based businesses.* Home-based businesses' that qualify for permit level one process shall operate in compliance with the following standards, unless modified by the special conditions noted in Table 4-1.

- i. Business activities are limited to office uses that are incidental and secondary to the use of the dwelling for residential purposes. In addition, the business use must be compatible with the residential uses in the surrounding neighborhood. No commodity shall be sold or displayed on the premises. No employees other than persons who permanently reside on the premises shall be permitted to work from the dwelling unit.
- ii. No advertising intended to attract customers to the dwelling unit is permitted.
- iii. On-site materials, equipment, and product related specifically to the business shall be stored within one room of the dwelling unit. In no case shall the home business(s), either single or combined, cumulatively occupy more than 400 square feet of the dwelling unit. For the purpose of determining the area of the dwelling unit, garages, carports and detached accessory structures shall not be considered. The storage of materials, equipment, and product related to the business is permitted inside the garage, provided the storage does not diminish the parking spaces required by this Title. Storage of materials, equipment, and product is also permitted inside one operational vehicle, which shall be stored in the garage. The use of carports or parking stalls for the storage of business-related material is prohibited.

- iv. Outside storage of materials, equipment, and product related to the business is not permitted at the dwelling site.
- v. No new structures shall be constructed for the purpose of conducting the home business and/or for the storage of business materials, equipment, or product.
- vi. Neither the house nor any accessory structure(s) shall be physically altered to accommodate the business activity, except to accommodate the needs of disabled residents.
- vii. There shall be no evidence of the business activity from the exterior of the residence, including no product displays, signs, or on-site sales.
- viii. Using one or more commercial vehicle as a part of the business is prohibited. For the purpose of this section, commercial vehicle shall mean any vehicle required by the State of California to have commercial vehicle license plates.
- ix. Only materials, equipment, and/or tools commonly recognized as being necessary or convenient for domestic residential purposes shall be used as part of the home-based business. Use of computers, photocopiers, and facsimile machines are specifically permitted.
- x. On-site activities of the business shall not emit odors, fumes, smoke, or dust that is detectable outside the dwelling unit. The business shall not involve the on-site storage or use of flammable substances or materials, and/or any hazardous or toxic substance, material, or waste that is or shall become regulated by any governmental entity.
- xi. No process shall be used that is hazardous to the public health, safety, or welfare, or harmful to the natural environment, including disposal of grey water or other waste into city storm drains, or other illegal pollution.
- xii. The business activity shall not produce noise that exceeds the levels specified in the City's noise ordinance.
- xiii. No mechanized equipment shall be used, unless such equipment or materials are commonly recognized as being necessary or convenient for domestic residential purposes or hobbies and their use is not otherwise restricted by law.
- xiv. The applicant for a home-based business permit must obtain the written permission of the manager and/or owner of the residential dwelling unit where the business is going to be located before any permit is granted for that location.
- xv. The delivery and pickup of materials in conjunction with the home-based business shall be limited to courier services that are generally recognized as providing service to residential areas.

2. ***Home-based business permit level two***

- a. *Permitted businesses.* Home-based business level two is intended for more complex home-based businesses that need to be reviewed on a case-by-case basis. Home-based businesses that are not specifically prohibited by Section 17.400.080.B, and do not otherwise qualify for a home-based business permit level one must be submitted to the Commission for their review, pursuant to the procedures outlined in Chapter 17.530

17.400.080 Hotel and Motel Conversions

- A. **Purpose and Intent.** The purpose of regulating the conversion of hotels and motels is to establish a comprehensive set of use regulations applicable to the conversion of hotels and motels that will ensure compatibility with surrounding properties and will safeguard against potentially adverse impacts on adjacent neighborhoods and residences.

- B. **Minimum Standards for the Conversion of Hotels and Motels to Apartments.** The conversion of any hotel and motel to apartments shall be subject to the following minimum standards:

1. Each hotel or motel to be converted shall have been in existence and operated as a hotel and/or motel a minimum of 10 years.
2. All conversions shall include all motel and/or hotel rooms to apartments.
3. Except as allowed in this section, each converted hotel and/or motel shall be used exclusively for low-income households, as defined in Section 17.400.090.G.6 of this Title.
4. Each unit shall meet the standards for decent, safe, and sanitary dwelling units, as defined in the State of California Health and Safety Code and other applicable codes and regulations, and shall include:
 - a. A kitchen, including at a minimum a sink, garbage disposal, refrigerator, stove with oven, and a counter top.
 - b. A separate bathroom, including at a minimum a sink, toilet, and shower.
 - c. A closet for storage space.
5. Each converted hotel and/or motel shall have a minimum of 400 square feet plus an additional 10 square feet for each unit over 30 units of common usable open space as defined in Article 7 except that if the converted hotel and/or motel is to be exclusively rented to senior citizens, no less than 40 percent of this common recreational space shall be indoors. The common recreation area may be provided in more than one location, but no location shall be less than 200 square feet.
6. Each converted hotel and/or motel shall have a common laundry facility, including washers and dryers, accessible and available to the residents, unless such facilities are provided within each unit.
7. Each converted hotel and/or motel shall maintain the parking and landscaping required

at the time of the original construction and subsequent modification (if any) permitted by the City.

8. Each unit within a converted hotel and/or motel shall have a minimum of one parking stall assigned to the residents of that unit.
9. Each converted hotel and/or motel shall meet the requirements of the building, electrical, mechanical, plumbing, and other construction codes administered by the City at the time of the application for the conversion.
10. Each bedroom shall not be occupied by more than two persons.

17.400.085 Housing for Seniors

A. Purpose and Intent. The purpose of regulating housing for seniors is to safeguard the health, safety, and general welfare of seniors and to ensure compatibility with surrounding properties.

B. Development Standards

1. Suitability of site, location, off-street parking, unit size, landscaping, project density, and on-site open space shall be considered on a case-by-case basis.
2. Restrictive covenants shall be recorded containing the conditions applicable to the development.

17.400.090 Mobile Home Park Conversions

A. Purpose and Intent. The purpose of regulating mobile home park conversions is to safeguard the health, safety, and general welfare of individuals and ensure compatibility with surrounding properties.

B. Conversion of Existing Mobile Home Park. Prior to the conversion of any property upon which a mobile home park is situated on the effective date of this Title, an application for Conversion Permit shall be submitted in accordance with the provisions of Chapters 17.550, *Administrative and Conditional Use Permits*, and 17.555, *Administrative Adjustments and Variances*. No conversion shall be made until a Conversion Permit is approved, and all other applicable permits are issued by the City. Any application for a mobile home park conversion shall be deemed an application for a “change of use” for the purposes of section 798.56(f) of the Civil Code of the state of California or any successor provision thereto.

C. Notice of Conversion. Each home owner shall be given written notice of the submission of an application for a Conversion Permit no later than the date it is submitted for filing by the applicant with the City. The applicant shall furnish proof of service of such notice with the Conversion Permit application filed with the city.

If the applicant sends a written notice of intent to submit an application for partial or full conversion pursuant to Section 17.400.090.B or 17.400.090.D to the home owners prior to filing an application for a Conversion Permit, the applicant shall file the application within 30 calendar days of sending such notice of intent.

With the exception of the notices required by this Title and correspondence directly related to the preparation of the Conversion Impact Report, the applicant shall not issue any arbitrary notices or letters to the residents concerning the intention to convert or close the park. Such actions shall be considered arbitrary if no application for conversion is filed with the City within 30 calendar days thereafter. In the case of such arbitrary action, the City shall notify the applicant that a fine of 200 dollars per day shall be imposed. Unless an application is filed or a withdrawal of the arbitrary notice is sent to the city and the home owners within the next 15 calendar days, the fine shall accrue for a maximum of 60 calendar days. The applicant can stop the fine from accruing at any time by either submitting the application for conversion or withdrawing the arbitrary notice as prescribed herein. Payment of such fines shall be due the City with the application for conversion, withdrawal of the notice, or upon demand of the City after the 60 calendar days have passed.

D. Conversion Impact Report

1. The City shall not be required to take any action to hold public hearings to consider a proposed mobile home conversion application until a Conversion Impact Report has been prepared, filed, and deemed complete in accordance with this Section.
2. Upon written notification by the City that the original application has been accepted as completed pending submission of a Conversion Impact Report, the applicant shall, within 120 calendar days from the date of such notification, file a Conversion Impact Report with the City, which contains all of the information required by this Section.
3. A Conversion Impact Report shall contain the following information:
 - a. *Mobile Home Occupant Information*
 - i. The names and address of all persons owning or occupying mobile homes within the park.
 - ii. The total number of mobile home residents, categorized on a space by space basis identifying the following categories:
 - If the residents are owners or renters.
 - Residents under the age of 18 (school--age children).
 - Residents who are physically disabled, including the chronically ill.
 - Residents who use public transportation and the routes used.
 - b. *Converting Park Information*
 - i. A description of the amenities provided for the park resident.
 - ii. A legal description of the property.
 - iii. The age of the mobile home park.
 - iv. The proposed timetable for conversion, closure, or cessation of use of the land as a mobile home park.
 - v. The number of mobile homes existing in the park, length of occupancy by the current occupant of each space, and the current lease rate for each space.

- vi. The age, including date of manufacture, or each mobile home, an inventory of all accessory buildings or structures, and number identifying the mobile home space being occupied.

The applicant shall be required to make a reasonable and good faith effort in obtaining the information required in this subsection. In the event that the residents of a park fail to cooperate with the applicant in providing the information specified in this subsection, the City may determine that such information is not required to complete the Conversion Impact Report.

c. *Comparable Mobile Home Park Information*

- i. The applicant shall provide information regarding the availability of adequate replacement housing in comparable parks within a 100-mile radius of the civic center. Each comparable park shall be identified by (1) name and address; (2) age; (3) lease or rental rates; (4) terms, policies, and restrictions on the types of homes and residents accepted; and (5) an estimate of probable number of replacement spaces within each park as of the date of survey.
- ii. The applicant shall determine the availability and proximity of public transportation to each comparable park.
- iii. The applicant shall provide information on the availability and proximity to each comparable park of medical and dental services, senior services, personal service facilities, and public service facilities.

d. *Relocation Impact Information.* The applicant shall state how a relocation compensation plan will be implemented to comply with this ordinance. The plan shall include the park owner's or applicant's procedure to accommodate the home owners or unrellocatable homes and the specific relocation compensation benefits and options available to each home owner. The specific relocation benefits and options proposed shall be provided to each home owner by certified or registered mail before filing the Conversion Impact Report.

- i. Upon filing of a conversion impact report, the City shall have a reasonable time, not to exceed 14 calendar days, within which to verify that the Conversion Impact Report is complete and contains all of the information required by this Section.
- ii. Within the 14 calendar-day period, the City shall notify the applicant in writing whether the Conversion Impact Report has been satisfactorily completed pending Commission review. If the City determines that the Conversion Impact Report does not contain all of the information required by this Section, it shall set forth in writing the specific deficiencies.

E. Availability of Conversion Impact Report. The person or entity proposing such conversion shall furnish a copy of the Conversion Impact Report to owners and residents of all mobile homes within the mobile home park at least 30 calendar days prior to any hearing on the report by the Commission. Applicant shall give notice with proof of service by United States mail to each park resident and mobile home owner of the place and time of hearing of the matter.

F. Conversion Schedule Requirements. When any application for a Conversion Permit is received by the City, the following schedule requirements shall apply:

1. Within 14 calendar days after the receipt of an application or an amended application, the City shall notify the applicant in writing whether the application is complete or incomplete.
2. If any application or amended application cannot be determined to be complete by the City within 90 calendar days after the application was first submitted, that application shall be deemed to be withdrawn.
3. Within 120 calendar days after notification from the City that an application is complete, the applicant shall submit a Conversion Impact Report to the City.
4. During the Conversion Impact Report preparation period, the applicant may request extensions of time for specific cause. Such requests must be submitted in writing and approved by the Commission. The total of all approved extensions shall not exceed 90 calendar days.
5. If a Conversion Impact Report cannot be determined to be complete by the City within 100 calendar days, plus any approved extensions, after notice of the complete application, the application shall be deemed to be withdrawn.
6. Within 14 calendar days after an application is deemed to be withdrawn, the City shall give written notice to the applicant and to all owners of mobile homes in the affected park that the application is deemed withdrawn and that another application for a Conversion Permit for that park will not be allowed to be submitted for a period of one year.

G. Relocation Compensation. Prior to the approval of any Conversion Permit, but only after the City has accepted the Conversion Permit application and a Conversion Impact Report as complete, the Commission shall conduct a duly noticed public hearing. Such public hearing shall be held within 30 calendar days of the submission or resubmission of the completed Conversion Impact Report. The hearing shall be conducted in accordance with the procedures set forth in Chapters 17.550, *Administrative and Conditional Use Permits*, and 17.555, *Administrative Adjustments and Variances*. During the public hearing, the Commission shall review the Conversion Impact Report and hear testimony and evidence relating to it.

The Commission shall require (as a condition of approval of the proposed conversion) that the park owner and/or applicant shall take all necessary measures to mitigate the adverse effects created by the change in use. These measures shall be based on the ability of the displaced home owners to find adequate replacement space in another comparable mobile home park.

The mitigation measures shall be limited to the payment of relocation compensation as established herein to a displaced home owner by the park owner and/or applicant proposing such conversion. In addition, each home owner shall reserve the right to be relocated to a choice of any one of the available mobile home parks identified in the Conversion Impact Report as a comparable park. Compensation for relocation of mobile homes shall include the following:

1. ***Disassembly and reassembly.*** The cost of disassembly and reassembly of the displaced home by a licensed, bonded contractor, shall include: re-installation of awnings, skirting, porches, storage structures, leveling, and full replacement cost of any items damaged during the move.
2. ***Transportation.*** The cost of transporting the home (up to 50 miles) to a comparable park shall include physically moving the home and its associated fixtures by a licensed, bonded and insured mover, disconnecting and reconnecting all utilities, and obtaining all of the required permits.
3. ***Improvements.*** In order to meet the comparable park's lawful requirements for acceptance of the relocated home, the cost of improvements shall include new steel supporting piers and any necessary preparation including landscaping (comparable to the receiving park) of the new home space.
4. ***Personal belongings.*** All costs for moving and storage, including any packing and unpacking of the furniture, furnishings, and personal effects of the home owner, to the reassembled home in the comparable park.
5. ***Daily living allowance.*** For each day a home owner and cohabitants are without a home due to relocation, the park owner or applicant shall advance a daily living allowance for food and lodging, as specified in the Conversion Impact Report.

The allowance shall be one \$100 for each single adult resident and \$145 dollars for each married couple. An additional \$40 per day shall be paid for each person permanently residing in the home that is being relocated.

The daily living allowance is payable for a period of up to 20 consecutive days. The time starts from the date the movers begin to prepare the home for relocation and ends when the resident can resume living in their home. This time is evidenced by issuance of a certificate of occupancy or the connection of utility services for the relocated home, whichever occurs first.

The home owner shall receive an initial payment for the first 10 days of daily living allowance on the day the movers are scheduled to begin preparing the home for removal.

Additional payment for the daily living allowance will be provided upon reasonable request of the home owner. Any refund due the park owner shall be refunded within 7 calendar days of the date the home owners move into their relocated home.

The daily living allowance shall be adjusted annually using 1994 as the base year, to reflect the consumer Price Index for the Los Angeles-Anaheim-Long Beach areas as provided by the United States government, Bureau of Statistics or any equivalent standard if the Consumer Price Index is not available.

6. If requested by any low income mobile home park resident (defined as having an annual household income of less than 80 percent of the County's median income, adjusted for household size) the applicant shall provide the services of a consultant to assist in the selection of a relocation park or suitable alternative housing.

7. Home owners and park owners may agree to a mutually satisfactory relocation assistance package. To be valid, such an agreement shall be in writing (at least 12 point, Courier typeface), shall include a provision stating that the home owner is aware of the provisions of this ordinance, and shall be drafted in form and content as required by applicable state law.
8. Each mobile home owner, aged 62 or older and having an annual household income of 80 percent or less of the county's median income (adjusted for household size), relocatable to another park or determined to be unrelocatable, as defined in Article 7, shall receive a rent differential, if the monthly rental rate in the comparable mobile home park or alternative living situation is greater than the current rental rate. The applicant and/or park owner shall pay the displaced mobile home owner the difference between the current rental rate and the rental rate of the new mobile home park or alternative living situation, up to 100 dollars per month for the first 12 months of occupancy. The monthly rent differential payment shall be paid no less than 5 calendar days prior to the date in which the displaced mobile home owner's rent is due. In addition, the total payment, as described in this Section, shall not exceed one \$1,200 for any one home.
9. Non-resident mobile home owners, relocatable to a comparable park, shall not receive the relocation compensation, as specified in this Section, with the exception that the applicant and/or park owner shall pay for all moving costs as described in 17.400.090.G, H, and I.

H. Comparable Relocation Unavailable

1. If the Commission finds, based on the Conversion Impact Report and information presented at the public hearing, that a mobile home is unrelocatable, the applicant shall pay the home owner a lump sum payment determined by the "appraised value" of the mobile home unit, as defined in Article 7, upon which the park owner shall have the option to assume title of the mobile home.
2. The following terms/guidelines shall be followed when comparable relocation is unavailable:
 - a. The appraised value shall be determined by a certified member of a nationally recognized appraisal association(s) who is qualified to appraise mobile homes, accessory structures, and appurtenances as herein noted.
 - b. The appraisal shall be conducted no more than 60 calendar days prior to the submittal of the appraisal.
 - c. Nothing herein shall preclude the parties from entering into a good faith agreement as to the value of the home at any time.

- I. Relocation to a Specific Park not Required.** A mobile home owner shall not be required to locate to a specific park or location as a condition of payment of relocation compensation. The compensation payable to any mobile home owner shall be as specified herein regardless of the location or park to which the mobile home is actually removed or the availability of any such relocation space, except that the park owner's obligation to pay cost of transportation shall be limited to the cost of transportation for 50 miles.

J. Findings of Fact Required for Approval of a Conditional Use Permit for a Mobile Home Park Conversion. Prior to approval of a mobile home park conversion pursuant to the provisions of this Section, the Commission shall make a finding of fact that the evidence presented at the public hearing establishes that the conversion will not have an adverse effect upon the goals and policies for preservation of housing within the City, as set forth in the Housing element of the City's General Plan, and that one or more of the following facts are present:

1. That the conversion is necessitated by the underlying site conditions, which pose a threat to the life, health, safety, or general welfare of the mobile home park residents; or
2. That the proposed conversion is necessitated by circumstances beyond the reasonable control of the owner of the property; or
3. That denial of said conversion would deprive the owner of reasonable or economically viable use of the property; or
4. That said conversion is required by public necessity and convenience and general welfare.

K. Notice of Effect. All park owners in the City shall notify in writing all mobile home owners residing in their parks (present and future) of the rights and obligations of the park owners and mobile home owners under this chapter. Delivery of a copy of this Section shall be deemed sufficient notification in lieu of any other notice required pursuant hereto. Each notice shall be signed by the park owner and the affected mobile home owner, as having been delivered and received by each park owner and any mobile home owner. The notice may include, at the park owner's option, additional information related to the procedures and effects of a change of use. Existing households shall be notified within 90 days of the effective date of this Title. New households shall be notified on or before the date of commencement of occupancy. If the new household commenced occupancy without first notifying the mobile home park owner and without signing the mobile home park's rental documents, then notice may be given to such household within 90 days of the date of execution and delivery to the mobile home park of such rental documents.

17.400.095 Massage Establishments

Massage establishments shall comply with the regulations set forth in Chapter 5.32, Massage Establishments, of the WMC.

17.400.100 Offices for Wholesale Businesses

A. Purpose and Intent. The purpose of this section is to provide general operation restrictions and standards for offices for wholesale businesses.

B. Operation Restriction

1. Offices shall be used only for administrative activities related to management, personnel, record keeping, accounting, sales, advertising, market research, and similar functions.

2. Receiving and/or storage of goods offered for sale or acquisition by any other means is not allowed.
3. Displays shall be limited to samples only.

C. Development Standard

1. No wholesale business offices shall be established in conjunction with retail sales.

17.400.105 Offsite Hazardous Waste Facilities

- A. Purpose and Intent.** The purpose of regulating offsite hazardous waste facilities is to ensure such uses do not present any risk to public health, safety, and welfare.
- B. Applicability of These Regulations.** The specific requirements of this section are applicable to the siting and development of all offsite hazardous waste treatment, storage, transfer, and disposal facilities, as defined in Article 7.
- C. Procedures.** The following procedures are intended to identify the steps for processing a conditional use permit application for a specified off-site hazardous waste facility. These procedures include steps to be taken by the applicant, state, and city.
 1. **Pre-application.** At least ninety days before filing an application (conditional use permit) with the community development department for a specified hazardous waste facility project, the applicant shall file with the Office of Permit Assistance (OPA) and the city, a Notice of Intent (NOI) to make an application. The Notice of Intent (NOI) shall contain a complete description of the nature, function, and scope of the project. The Office of Permit Assistance (OPA) shall immediately notify the affected state agencies of the Notice of Intent (NOI). The city shall publish a notice in a newspaper of general circulation in the area affected by the proposed project, shall post notices at the location where the project is proposed, and shall notify, by a direct mailing, the owners of the contiguous property as shown on the latest equalized assessment roll. The city shall impose a fee upon a project applicant equal to the cost of notification required by this section.

Within ninety days after a Notice of Intent (NOI) is filed with the Office of Permit Assistance (OPA), the Office of Permit Assistance (OPA) shall convene a public meeting within the city to inform the public of the nature, function, and scope of the proposed facility project and the procedures that are required for approving applications for the project. The city shall contact Office of Permit Assistance (OPA) regarding the location and time of the meeting and shall have representatives attend.

Within ninety days after receiving notification of the filing of a Notice of Intent (NOI), the city council shall appoint a seven-member local assessment committee (LAC) pursuant to the provisions of Section 17.400.105.D, *Local Assessment Committee*, of this ordinance.

2. **Application submittal.** The applicant for an off-site hazardous waste facility project shall submit the required plans, documents, studies, assessments, and other materials pursuant to Section 17.400.105.C, *Procedures*, of this ordinance and the submittal deadline schedule, on file with the community development department.

The City shall notify the Office of Permit Assistance (OPA) within ten days after an applicant has filed with the City for a conditional use permit for a specified hazardous waste facility project that the application has been accepted as complete by the City. Within sixty days after receiving such notice, the Office of Permit Assistance (OPA) shall convene a meeting of the City and responsible agencies for the project, the applicant, the Local Assessment Committee (LAC) and the interested public, for the purpose of determining the issues which concern the public. The meeting shall take place in the city.

Following the meeting as specified in Section 17.510.030.B of this ordinance, the applicant and the Local Assessment Committee (LAC) of the city shall meet and confer on the specified hazardous waste facility project proposal for the purpose of establishing the terms and conditions under which the project will be acceptable to the community.

At the request of the applicant, the Community Development Department shall, within sixty (60) calendar days after the city has determined that an application for a conditional use permit to operate a hazardous waste facility is complete, issue an initial written determination on whether the hazardous waste facility project is consistent with the Westminster Comprehensive General Plan, Land Use Ordinance in effect at the time that the application was received, and the Orange County Hazardous Waste Management Plan (requirement of Section 25199.5(a) of the California Health and Safety Code).

The applicant for a specified hazardous waste project shall pay a fee established by the Office of Permit Assistance (OPA) equal to the cost of hiring independent consultants to review the project. The Office of Permit Assistance (OPA) shall deposit these fees in the Local Agency Technical Assistance Account, created within the State General Fund. The monies in that account may be expended by the Office of Permit Assistance (OPA), upon appropriation by the legislature, to make technical assistance grants to the Local Assessment Committee (LAC) to enable the Local Assessment Committee (LAC) in reviewing the project and negotiation terms and connections with the applicant. The city may request technical assistance from any state agency which authorizes permits for hazardous waste facility projects (requirement of Section 25199.7(g) of the California Health and Safety Code).

3. ***Appeal to City Council.*** The applicant or any interested party may appeal the final decision of the Planning Commission regarding a specific off-site hazardous waste facility within fifteen (15) calendar days of the Commission's decision. The appeal must contain a written explanation of why the decision is being appealed and be addressed to the Secretary of the Planning Commission.
4. ***Appeal to State.*** An applicant may file, within thirty (30) calendar days, an appeal of the City Council's final decision regarding a conditional use permit to operate a hazardous waste facility with the Governor or Governor's designee. (Requirement of Section 25199.9 of the California Health and Safety Code.)

D. Local Assessment Committee

1. Pursuant to Section 17.400.105.C, *Procedures*, of this ordinance the City Council shall appoint a seven-member Local Assessment Committee (LAC). The membership of the Local Assessment Committee (LAC) shall be broadly constituted to reflect the make-

up of the community and shall include three representatives of the community at large, two representatives of the environmental or public interests groups, and two representatives of affected businesses and industries. Members of the Local Assessment Committee (LAC) shall have no direct financial interest, as defined in Section 87103 of the California Government Code, in the proposed specified hazardous waste facility project.

2. Pursuant to Section 25199.7(d)(2) of the California Health and Safety Code, the Local Assessment Committee (LAC) shall do all of the following:
 - a. Negotiate with the applicant for the proposed hazardous waste facility project on the detailed terms of, and conditions for project approval, which would protect the public health, safety, and welfare, and the environment of the city and its surroundings and would promote the fiscal welfare of the city through special benefits and compensation.
 - b. Represent generally, in negotiation with the applicant, the interests of the residents in the city and the interests of adjacent communities.
 - c. Receive and expend the technical assistance grants made available as specified in Section 17.510.030 of this ordinance.
 - d. Adopt rules and procedures which are necessary to perform its duties as outlined herein.
 - e. Advise the city of the terms, provisions, and conditions for project approval which have been agreed upon by the Local Assessment Committee (LAC) and the applicant and any additional information which the Local Assessment Committee (LAC) deems appropriate. The legislative body of the city may use this advice for their independent consideration of the project.
 - f. Cease to exist after final administrative action has been taken by the state and local agencies on the permit application for which the Local Assessment Committee (LAC) was formed.
 3. The approval body shall provide staff resources to assist the Local Assessment Committee (LAC) in performing its duties.
 4. If the Local Assessment Committee (LAC) and the applicant cannot resolve any differences through the meetings specified in this ordinance, the Office of Permit Assistance (OPA) may recommend the use of a mediator. The applicant shall pay one-half of the costs for this mediation and the remaining costs shall be paid, upon appropriation by the legislature, from the State General Fund.
- E. Application Submittal Requirements.** The applicant for a specific hazardous waste facility project must submit a complete application package before the Planning Division of the Community Development Department will accept it for further processing.
1. The following information is required for submittal of a conditional use permit application for an off-site hazardous waste facility.
 - a. A completed conditional use permit application form;

- b. A completed public hearing notification package;
 - c. An initial environmental assessment form;
 - d. Property owner verification/property owner's permission to construct facility;
 - e. Fees and deposits as required by resolution;
 - f. A comprehensive and accurate site plan drawn to the specifications of the city's site plan standards, which are on file with the Community Development Department, in addition to the following:
 - i. The distance from the project property lines to the nearest residential structures;
 - ii. Proximity of the project to 100-year flood plain area;
 - iii. Proximity of the project to any known earthquake fault zones;
 - iv. Relationship of the project to all above-ground water supplies as well as known underground aquifers that could conceivably suffer contamination;
 - v. Topographic description of the property and surrounding area;
 - vi. Identification of surrounding zoning and land uses.
 - g. Complete building elevations of all sides of all structures, including all exterior details and height dimensions.
 - h. Complete and accurate roof plan of all structures.
 - i. Full floor plan of all buildings, with the interior dimensions of rooms and a description of their use shown.
 - j. A full landscaping and irrigation plan per the city's landscaping standards.
 - k. A complete grading plan of the site.
 - l. Sections of all structures on the site.
2. In addition to the city's initial environmental assessment, the applicant shall describe in detail at least two reasonable alternatives to the project which shall be reviewed pursuant to the California Environmental Quality Act (Public Resources Code Section 15060(d)). The applicant shall also submit for review, concurrently with the application package, the following documents:
- a. A Health and Safety Assessment, which shall evaluate, at a minimum, the area within 2,000 feet of the exterior boundaries of the site which is designated a sensitive area, and shall evaluate all potential health and safety impacts on sensitive populations. Sensitive populations shall include, but not be limited to, residential populations, employment populations, and immobile populations such as schools, hospitals, convalescent homes, jails, and other similar facilities within the area of

potential impact. The assessment must take into consideration the quantities and the physical and chemical characteristics of the specific types of waste that would be handled, the facility design features, and planned operation practices. The assessment must analyze in detail all probabilities of accidents or spills at the site as well as transportation-related accidents from the point of origin to the facility. Such analysis shall identify and explain, in detail, mitigation measures to reduce identified risks.

- b. A Traffic Impact Assessment which identifies the existing conditions on the circulation system within the sensitive area of the proposed hazardous waste facility. The assessment shall identify the potential impacts the facility may have upon the existing network of roads, and the ability of local safety personnel to respond to any potential accident, and the ability to evacuate adjacent businesses, schools, hospitals, and residences.
- c. Geological/Seismic/Hydrological Assessment that assesses the geological, seismic, and hydrological structure and conditions of the sensitive area. All earthquake faults within the sensitive area must be identified. The assessment must include maps and text explaining the composition and suitability of the underlying soil profile and strata, including the effects the project will impose upon these areas and the underlying water table.
- d. A Noise/Visual Assessment that indicates the potential noise and visual impacts the proposed facility will place upon the sensitive area and the community as a whole. The assessment must include a noise contour map of the ambient noise levels within the sensitive area.
- e. An Air Quality Impact Assessment that describes in detail the existing air quality of the sensitive area and the changes that will occur as a result of the project being built. Potential mitigation measures must be discussed in detail.
- f. A Materials Processing Assessment which identifies the amounts (tonnage) and types of hazardous wastes to be treated at the proposed facility, the source of these wastes, the ultimate disposition of the wastes, and the anticipated life of the facility. Information shall be provided on the amount, sources, and types of hazardous waste to be treated based on an actual survey of the industries to be served and, thereby, be representative of the wastes that will be processed at the facility.
- g. A preliminary Facility Monitoring Plan that identifies an ongoing monitoring program to ensure no unintentional release of any hazardous substance from the site. The plan must address by type and quantity, the movement, on-site and off-site, of all waste at the site along with the processing that it is subject to. This shall include any ongoing monitoring required by other permitting agencies such as the State Department of Health Services, the South Coast Air Quality Management District, the Environmental Protection Agency, the Midway City Sanitary District, etc.
- h. A Preliminary Contingency Plan for emergency procedures designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste constituents to air,

soil, or surface water. The plan shall provide for its immediate implementation whenever there is fire, explosion, or release of hazardous waste constituents which could threaten human health or the environment. The preliminary contingency plan shall address the requirements included in Section 17.400.105.O, *Minimum Development Requirements*.

- i. A Fiscal Impact Study which clearly demonstrates in a detailed fashion the financial impacts that the project will place upon the city.
- F. Public Hearing.** The proposed off-site hazardous waste facility shall require a public hearing before the Westminster planning commission and is therefore subject to the notification and processing requirements for other conditional use permits. Because of the needs and requirements of the sensitive area, as defined in this ordinance, a minimum radius of 500 feet, measured from the exterior boundaries of the proposed off-site facility, shall be used for the purpose of notification of the public hearing.
- G. Siting Restriction on Offsite Hazardous Waste Facilities.** All offsite hazardous waste facilities shall comply with the siting criteria set forth in the Orange County Hazardous Waste Management Plan. These criteria have been established for use by hazardous waste facility applicants in locating and designing suitable facility sites and projects. The purpose of the criteria is to reduce public health and environmental risks and governmental costs associated with development of a potential facility. The siting criteria can be found in the Orange County Hazardous Waste Management Plan, copies of which are on file with the City's Community Development Department.
- H. Findings Required for Approving Hazardous Waste Facilities.** At a minimum, the following findings shall be made in writing by the Commission prior to granting a conditional use permit for a hazardous waste facility project:
1. The project is consistent with the City's General Plan and all applicable ordinances of the City.
 2. The project will not be detrimental to the health, safety, or general welfare of the community as determined in the required health and safety assessment and other documents describing the potential impacts of the proposed project.
 3. The project site is or will be adequately served by streets, highways, infrastructure, and other public or private service facilities.
 4. The project complies with the siting criteria outlined in the Orange County Hazardous Waste Management Plan.
 5. The project contains a contingency plan that adequately provides for evacuation or other responses necessary as a consequence of an accident at the proposed site.
 6. The City's emergency police and fire response personnel and equipment can respond and treat, contain, or mitigate the possible hazards associated with an accident on the proposed project site.
 7. The project is in conformance with all federal, state, and county fire standards, as well as the requirements of the Uniform Fire Code.

I. Standards for the Physical Development of Such Uses. The City may impose conditions on the granting of a conditional use permit for a hazardous waste facility in order to achieve the purpose of this Title and the General Plan and to protect the health, safety, and general welfare of the community. In addition to the standard planning conditions and any special conditions required by the City, the following minimum conditions shall be placed upon an applicant:

1. To ensure the safety and security of the community and the operation of the facility, the owner shall:
 - a. Prevent the unknowing entry, and minimize the possibility of the unauthorized entry, of persons onto any portion of the facility.
 - b. Provide a 24-hour surveillance system (e.g., television monitoring or surveillance by guards or facility personnel) that continuously monitors and controls entry onto the facility.
 - c. Construct an artificial or natural barrier (e.g., a wall or a wall combined with a landscape berm) that completely surrounds the facility.
 - d. Provide all gates or other entrances into the facility with adequate means to control entry at all times. Signs stating, "Danger -Hazardous Waste Area - Unauthorized Personnel Keep Out," shall be posted at each entrance to the facility and at other locations in sufficient numbers to be seen from any approach. The sign shall be written in English, Spanish, and Vietnamese, and shall be legible from a distance of at least 25 feet.

J. Hazardous Materials Disclosure. All off-site hazardous waste facilities shall comply with the hazardous materials disclosure criteria set forth in Chapter 8.31 of the WMC.

K. Contingency Plan Required

1. The hazardous waste facility shall be required to have a contingency plan designed to minimize hazards to human health and the environment from fires, explosions, or unplanned release of hazardous waste to the air, soil, or surface water. The plan shall be carried out immediately whenever a fire, explosion, or unplanned release occurs. The contingency plan shall include:
 - a. The actions employees must take in response to a fire, explosion, or unplanned release of hazardous waste.
 - b. Arrangements agreed to by local emergency-response officials.
 - c. The names, addresses, and telephone numbers (office and home) of all persons qualified to act as emergency coordinator. (if more than one name is listed, the order in which they may assume authority shall be given, with one person designated as primary coordinator. The emergency coordinator shall be available to respond to an emergency and shall have the responsibility for coordinating all emergency response measures. The emergency coordinator shall be familiar with all aspects of the contingency plan, all operations and activities of the facility, the location and characteristics of waste handled, and general facility layout. The

emergency coordinator shall have the authority to commit the resources needed to carry out the contingency plan.

- d. A listing of all emergency equipment at the facility, including its location and an outline of its capabilities.
 - e. An evacuation plan for employees where evacuation may be necessary, including signals used to begin evacuation, primary evacuation routes, and alternate routes.
2. Facility emergency coordinator responsibilities shall be identified in the contingency plan to include, at minimum, the following:
- a. In event of an emergency (imminent or natural) fire, the emergency coordinator shall immediately activate facility alarms to notify employees and shall contact appropriate state or local emergency response agencies.
 - b. In the event of a fire, explosion, or release of any hazardous material, the emergency coordinator shall immediately identify the character, exact source, amount, and real extent of any released materials. Concurrently, the emergency coordinator shall assess possible hazards, both direct and indirect, to human health or the environment that may result from the emergency.
 - c. If the emergency coordinator determines that the facility has had a release, fire, or explosion that could threaten human health and the environment outside the facility, the emergency coordinator shall report his findings as outlined in subsections 17.400.105.K.2.d and e.
 - d. If evacuation is necessary, local officials shall be so notified.
 - e. The emergency coordinator shall, in every situation, notify the State Office of Emergency Services at 1-800-852-7550, providing the following information:
 - i. Name and telephone number of person reporting
 - ii. Name and address of facility
 - iii. Time and type of incident
 - iv. Name and quantity of material(s) involved
 - v. Extent of injuries
 - vi. Possible hazard to human health and the environment outside facility
 - f. During the emergency, the emergency coordinator shall take all reasonable measures to ensure that fires, explosions, and releases do not occur or spread, including such measures as:
 - i. Stopping operations
 - ii. Collecting and containing release water

- iii. Removing and isolating containers
- g. If the facility stops operations during an emergency, the emergency coordinator shall monitor for leaks, pressure build-ups, and gas generation or ruptures in valves, pipes, or other equipment as appropriate.
- h. Immediately after an emergency, the emergency coordinator shall provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material resulting from a release, fire, or explosion.
- i. Other activities required of the emergency coordinator after an emergency are:
 - i. Ensure that no waste incompatible with the released material is handled until cleanup is completed
 - ii. Ensure that emergency equipment is cleaned and ready for use before operations are resumed.
- j. Owner/operator responsibilities shall be identified in the contingency plan to include, at minimum, the following:
 - i. Notify the State Department of Health Services and appropriate state and local authorities that the above requirements have been met before operations are resumed in the affected area.
 - ii. Record the time, date, and details of any incident that requires implementing the contingency plan.
- k. Within 15 days, submit a written report of the incident to the State Department of Health Services. The report shall include:
 - i. Name, address, and telephone number of the owner/operator
 - ii. Name, address, and telephone number of the facility
 - iii. Date, time, and type of incident
 - iv. Name and quantity of materials involved
 - v. Extent of any injuries
 - vi. Assessment of actual or potential hazards to human health or the environment, where applicable
 - vii. An estimate of the quantity of materials recovered and its disposition
- 3. A copy of the contingency plan shall be maintained at the facility. A copy shall be sent to the City's Public Safety and Planning divisions, Orange County Fire Department, surrounding hospitals, Orange County Health Care Agency, the Westminster Fire Prevention Bureau, and other regulatory agencies as deemed appropriate.
- 4. The contingency plan shall be reviewed and amended when any of the following occur:

- a. The facility permit is revised
- b. Applicable regulations are revised
- c. The plan fails in an emergency
- d. Operations at the facility change in a way that materially increases the potential of fire, explosion, or unplanned release of hazardous waste
- e. The list of emergency coordinators changes
- f. The list of emergency equipment changes

L. Monitoring of Facility Operations Authorized

1. Upon reasonable notice, the City, its designated representatives, and representatives of other affected regulatory agencies may enter a parcel for which a Conditional Use Permit for a hazardous waste facility has been granted, in order to monitor the operation of the facility.
2. The holder of a Conditional Use Permit for a hazardous waste facility shall report quarterly to the City the amount, type, and disposition of all wastes processed by the facility. Included in the report shall be copies of all manifests showing the delivery and types of hazardous waste materials. The report shall also include a map showing the exact location (coordinates and elevation) by quantity and types of material placed in repositories or otherwise stored or disposed on-site.
3. All structures shall remain accessible for inspection purposes.

M. Closure Plan Required. The owner or operator of a hazardous waste management facility shall submit a written closure plan. A copy of the approved plan and all revisions to the plan shall be kept at the facility until closure is completed. The plan shall identify steps necessary to completely or partially close the facility at any point during its intended operating life and to completely close the facility at the end of this intended operating life. The closure plan shall include at a minimum:

1. A description of how and when the facility will be partially closed, if applicable, and finally closed. The description shall identify the maximum extent of the operation that will be open during the life of the facility.
2. An estimate of the maximum inventory of wastes in storage and treatment at any time during the life of the facility.
3. A description of the steps needed to decontaminate facility equipment during the closure.
4. An estimate of the expected year of closure and a schedule for final closure. The schedule shall include, at a minimum, the initial time required to close the facility and the time required for intervening closure activities that will allow tracking of the progress of closure. The owner or operator may amend his closure plan at any time during the active life of the facility (that period during which wastes are periodically received). The owner or operator shall amend the plan whenever changes in operating

plans or facility design affect the closure plan, or whenever there is a change in the expected year of closure. When the owner or operator requests a permit modification to authorize a change in operating plans or facility design, a modification of the closure plan shall be requested at the same time.

5. The plan shall clearly indicate an effective and ongoing use for the facility after closure. The plan shall identify how the subject property will be used after the anticipated life of the project; the nature and type of reclamation; provisions for maintenance of the project; and finally, the requirements for long-term monitoring of the reclaimed area to ensure no hazardous materials are leaking from the site.
6. The plan shall indicate financial arrangements (irrevocable trust or other form of security arrangement) for the purpose of providing funds for the closure of its site and its long-term postclosure monitoring maintenance per Section 17.400.090, *Mobile Home Park Conversions*.

N. Proof of Liability Insurance Required. To ensure financial responsibility, the owner/operator shall show proof of liability insurance as follows:

1. The types, amounts, periods of coverage, and provisions for periodic review as to adequacy of coverage shall be specified in the conditions of approval. Required insurance shall include but not be limited to general liability insurance, automotive liability insurance, environmental impairment liability insurance, and architect's and engineer's professional liability insurance. All such insurance shall name the City as an additional insured and shall be maintained for the life of the site and such additional periods as shall be specified in the conditions of approval.
2. Additionally, coverage shall be provided for workers' compensation insurance and such other insurance as may be required. Said insurance shall name the City as either an additional insured or as an additional loss payee. Certificates of Insurance shall be submitted to the City annually.
3. An irrevocable trust shall be established to provide funds for closure of the site and its long-term postclosure monitoring and maintenance. Funds for this trust shall be provided by the owner/operator of the facility quarterly, based on quantity and types of hazardous waste received and processed or percentage of gross income. The terms of the trust shall be agreed upon by the project owner/operator and the City. The terms shall be reviewed annually in regard to the amount of funds in the trust and anticipated closure monitoring and maintenance costs. The applicant shall provide a bond in the amount to be determined by the City for purposes of closure of the site.
4. The owner/operator shall defend, indemnify, and hold harmless the City, its officers, agents, servants, and employees from all claims, actions, or liabilities arising out of the issuance of this permit, operations at the facility, and transportation of wastes to and from the facility.

O. Minimum Development Requirements

1. The city may impose conditions on the granting of a conditional use permit for a hazardous waste facility in order to achieve the purpose of this ordinance and the General Plan and to protect the health, safety, and general welfare of the community. In

addition to the standard planning conditions and any special conditions required by the city, the following minimum conditions shall be placed upon an applicant:

- a. To ensure the safety and security of the community and the operation of the facility, the owner shall:
 - i. Prevent the unknowing entry, and minimize the possibility of the unauthorized entry, of persons onto any portion of the facility.
 - ii. Provide a 24-hour surveillance system (e.g., television monitoring or surveillance by guards or facility personnel) which continuously monitors and controls entry onto the facility
 - iii. Construct an artificial or natural barrier (e.g., a wall or a wall combined with a landscape berm) which completely surrounds the facility
 - iv. All gates or other entrances into the facility shall be provided with adequate means to control entry at all times. Signs with the legend, "Danger -Hazardous Waste Area - Unauthorized Personnel Keep Out," shall be posted at each entrance to the facility and at other locations in sufficient numbers to be seen from any approach. The legend shall be written in English, Spanish, and Vietnamese, and shall be legible from a distance of at least 25 feet.
- b. The hazardous waste facility is required to have a contingency plan designed to minimize hazards to human health and the environment from fires, explosions, or unplanned release of hazardous waste to the air, soil, or surface water. The plan shall be carried out immediately whenever a fire, explosion, or unplanned release occurs. The contingency plan shall include:
 - i. The actions employees must take in response to a fire, explosion, or unplanned release of hazardous waste.
 - ii. Arrangements agreed to by local emergency response officials.
 - iii. The names, addresses, and telephone numbers (office and home) of all persons qualified to act as emergency coordinator. (If more than one name is listed, the order in which they may assume authority shall be given, with one person designated as primary coordinator). The emergency coordinator shall be available to respond to an emergency and shall have the responsibility for coordinating all emergency response measures. The emergency coordinator shall be familiar with all aspects of the contingency plan, all operations and activities of the facility, the location and characteristics of waste handled, and general facility layout. The emergency coordinator shall have the authority to commit the resources needed to carry out the contingency plan.
 - iv. A listing of all emergency equipment at the facility, including its location and an outline of its capabilities.
 - v. An evacuation plan for employees where evacuation may be necessary, including signals used to begin evacuation, primary evacuation routes, and alternate routes.

- c. Facility emergency coordinator responsibilities shall be identified in the contingency plan to include, at minimum, the following:
 - i. In event of emergency (imminent or natural) fire, the emergency coordinator shall immediately activate facility alarms to notify employees and shall contact appropriate state or local emergency response agencies.
 - ii. In the event of a fire, explosion, or release of any hazardous material, the emergency coordinator shall immediately identify the character, exact source, amount, and real extent of any released materials. Concurrently, the emergency coordinator shall assess possible hazards, both direct and indirect, to human health or the environment that may result from the emergency.
 - iii. If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health and the environment outside the facility, the emergency coordinator shall report his findings as per the following subsection (d) and (e).
 - iv. If evacuation is necessary, local officials shall be so notified.
 - v. The emergency coordinator shall, in every situation, notify the State Office of Emergency Services, telephone number 1-800-852-7550, providing the following information:
 - (a) name and telephone number of person reporting;
 - (b) name and address of facility;
 - (c) time and type of incident;
 - (d) name and quantity of material(s) involved;
 - (e) extent of injuries; and
 - (f) possible hazard to human health and the environment outside facility.
 - vi. During the emergency, the emergency coordinator shall take all reasonable measures to ensure that fires, explosions, and releases do not occur or spread, including such measures as:
 - (a) stopping operations;
 - (b) collecting and containing release water; and
 - (c) removing and isolating containers.
 - vii. If the facility stops operations during an emergency, the emergency coordinator shall monitor for leaks, pressure build-ups, and gas generation or ruptures in valves, pipes, or other equipment as appropriate.
 - viii. Immediately after an emergency, the emergency coordinator shall provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material resulting from a release, fire, or explosion.

- ix. Other activities required of the emergency coordinator after an emergency are:
 - (a) ensure that no waste incompatible with the released material is handled until cleanup is completed; and
 - (b) ensure that emergency equipment is cleaned and ready for use before operations are resumed.
- d. Owner/operator responsibilities shall be identified in the contingency plan to include, at minimum, the following:
 - i. Notify the State Department of Health Services and appropriate state and local authorities that the above requirements have been met before operations are resumed in the affected area.
 - ii. Record the time, date, and details of any incident which requires implementing the contingency plan.
 - iii. Within fifteen days, submit a written report of the incident to the State Department of Health Services. The report shall include:
 - (a) name, address, and telephone number of the owner/operator;
 - (b) name, address, and telephone number of the facility;
 - (c) date, time, and type of incident;
 - (d) name and quantity of materials involved;
 - (e) extent of any injuries;
 - (f) assessment of actual or potential hazards to human health or the environment, where applicable; and
 - (g) an estimate of the quantity of materials recovered and its disposition.
 - iv. A copy of the contingency plan shall be maintained at the facility. A copy shall be sent to Public Safety, Orange County Fire Department, surrounding hospitals, Orange County Health Care Agency, the Westminster Fire Prevention Bureau, the Westminster Planning Division, and other regulatory agencies as deemed appropriate.
 - v. The contingency plan shall be reviewed and amended when any of the following occur:
 - (a) the facility permit is revised;
 - (b) applicable regulations are revised;
 - (c) the plan fails in an emergency;
 - (d) operations at the facility change in a way that materially increases the potential of fire, explosion, or unplanned release of hazardous waste;

- (e) the list of emergency coordinator's changes; and
- (f) the list of emergency equipment changes.

e. Monitoring

- i. Upon reasonable notice, the city, its designated representatives, and representatives of other affected regulatory agencies may enter a parcel for which a conditional use permit for a hazardous waste facility has been granted in order to monitor the operation of the facility.
 - ii. The holder of a conditional use permit for a hazardous waste facility shall report quarterly to the city the amount, type, and disposition of all wastes processed by the facility. Included in the report shall be copies of all manifests showing the delivery and types of hazardous waste materials. The report shall also include a map showing the exact location (coordinates and elevation) by quantity and types of material placed in repositories or otherwise stored or disposed on-site.
 - iii. All structures shall remain accessible for inspection purposes.
- f. The owner or operator of a hazardous waste management facility shall submit a written closure plan. A copy of the approved plan and all revisions to the plan shall be kept at the facility until closure is completed. The plan shall identify steps necessary to completely or partially close the facility at any point during its intended operating life and to completely close the facility at the end of this intended operating life. The closure plan shall include at a minimum:
- i. A description of how and when the facility will be partially closed, if applicable, and finally closed. The description shall identify the maximum extent of the operation which will be open during the life of the facility.
 - ii. An estimate of the maximum inventory of wastes in storage and treatment at any time during the life of the facility.
 - iii. A description of the steps needed to decontaminate facility equipment during the closure.
 - iv. An estimate of the expected year of closure and a schedule for final closure. The schedule shall include, at a minimum, the initial time required to close the facility and the time required for intervening closure activities which will allow tracking of the progress of closure. The owner or operator may amend his closure plan at any time during the active life of the facility. (The active life of the facility is that period during which wastes are periodically received.) The owner or operator shall amend the plan whenever changes in operating plans or facility design affect the closure plan, or whenever there is a change in the expected year of closure. When the owner or operator requests a permit modification to authorize a change in operating plans or facility design, a modification of the closure plan shall be requested at the same time.
 - v. The plan shall clearly indicate an effective and ongoing use for the facility after closure. The plan shall identify how the subject property will be used after the

anticipated life of the project; the nature and type of reclamation; provisions for maintenance of the project; and finally, the requirements for long-term monitoring of the reclaimed area to ensure no hazardous materials are leaking from the site.

- vi. The plan shall indicate financial arrangements (irrevocable trust or other form of security arrangement) for the purpose of providing funds for the closure of its site and its long-term post-closure monitoring maintenance per section below.
- g. To ensure financial responsibility, the owner/operator shall show proof of liability insurance as follows:
 - i. The types, amounts, periods of coverage, and provisions for periodic review as to adequacy of coverage shall be specified in the conditions of approval. Required insurance shall include, but not be limited to, general liability insurance, automotive liability insurance environmental impairment liability insurance, and architect's and engineer's professional liability insurance. All such insurance shall name the city as an additional insured and shall be maintained for the life of the site and such additional periods as shall be specified in the conditions of approval.
 - ii. Additionally, coverage shall be provided for workers' compensation insurance and such other insurance as may be required. Said insurance shall name the city as either additional insured or as an additional loss payee. Certificates of Insurance shall be submitted to the city annually.
 - iii. An irrevocable trust shall be established to provide funds for closure of the site and its long-term post-closure and monitoring and maintenance. Funds for this trust shall be provided by the owner/operator of the facility quarterly based on quantity and types of hazardous waste received and processed or percentage of gross income. The terms of the trust shall be agreed upon by the project owner/operator and the city. The terms shall be reviewed annually in regard to the amount of funds in the trust and anticipated closure monitoring and maintenance costs. Applicant shall provide a bond in the amount to be determined by the city for purposes of closure of the site.
 - iv. The owner/operator shall defend, indemnify, and hold harmless the city, its officers, agents, servants, and employees from all claims, actions, or liabilities arising out of the issuance of this permit, operations at the facility, and transportation of wastes to and from the facility.

P. Use of Permit

1. A conditional use permit for a hazardous waste facility shall be granted for those substances and quantities identified in the conditions of approval. No additional types of waste or increases in the quantity of approved wastes shall be allowed beyond those specified in the approval permit unless a separate application is made therefore which shall satisfy the same procedures and contents as those required in an initial application.

2. Any use authorized under the provisions of this chapter must be exercised within one year of the final authorization of this use or such conditional use shall become null and void. Any use approved pursuant to this chapter which has been discontinued for a period of one year or more shall become null and void. All use permits for off-site hazardous waste facilities shall expire five years from the time of the last approval of said permit. An applicant may request an extension of time to develop the facility site beyond the one-year limit. Such extensions shall be made to the Planning Commission on forms provided by the Community Development Department and shall be filed with the director, accompanied by the appropriate fee. Within sixty (60) days after the filing of a request for an extension, the director shall set the matter as - an advertised public hearing on the regular agenda of the Planning Commission. An extension of time may be granted by the Planning Commission upon a determination that valid reasons exist for permittee not using the permit within the required period of time. The term "use" shall mean the beginning of substantial construction of the use that is authorized, which construction must thereafter be pursued diligently to completion.

Q. Time Limits to Effectuate and Maintain Permit

1. Any use authorized under the provisions of this Chapter must be exercised within one year of the final authorization of this use or such conditional use shall become null and void.
2. Any use approved pursuant to this Chapter that has been discontinued for a period of one year or more shall become null and void.
3. All use permits for off-site hazardous waste facilities shall expire 5 years from the time of the last approval of said permit. An applicant may request an extension of time to develop the facility site beyond the one-year limit. Such extensions shall be made to the Commission on forms provided by the Division and shall be filed with the Director, accompanied by the appropriate fee. Within 60 days after the filing of a request for an extension, the Director shall set the matter as an advertised public hearing on the regular agenda of the Commission. An extension of time may be granted by the Commission upon a determination that valid reasons exist for the permittee not using the permit within the required period of time. The term "use" shall mean the beginning of substantial construction of the use that is authorized, which must thereafter be pursued diligently to completion.

17.400.110 Packing Plants for Whole Agricultural Products

A. Purpose and Intent. The purpose of regulating packing plants for whole agricultural products is to ensure compatibility with surrounding properties.

B. Development Standard

1. No packing plant for whole agricultural products shall be closer than 50 feet to any property line common to other property that is not devoted to another such packing plant, or that of a veterinary hospital, commercial kennel, commercial poultry or rabbit ranch, dairy, livestock-raising or feeding ranch, or small-animal raising.

17.400.115 Recycling Facilities

- A. Intent and Purpose.** The purpose of regulating recycling facilities, as defined in Article 7, is to minimize potentially adverse effects on surrounding residents and properties.
- B. Standards Applicable to All Recycling Facilities.** The following standards shall apply to all recycling facilities within the City:
1. No recycling facility may be located within any required yard area, driveway, drive aisle, parking stall, fire lane, loading area, pedestrian path, or landscaped area.
 2. All recycling facilities shall remain as a secondary accessory use to the primary host use.
- C. Reverse Vending Machines.** Reverse vending machines shall comply with the following standards.
1. Such machines shall be permitted only in conjunction with a commercial use established in compliance with the WMC.
 2. Such machines shall be located within 50 feet of the entrance to the host commercial structure immediately abutting a building wall, and shall not obstruct pedestrian or vehicular circulation.
 3. Such machines shall not occupy more than 50 square feet of ground area per installation, including any protective enclosure, and shall be no more than 8 feet in height.
 4. Such machines shall be constructed of durable and waterproof material.
 5. Such machines shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.
 6. Such machines shall have a sign area of a maximum of 4 square feet, exclusive of operation instructions.
 7. Such machines shall be maintained in a clean, litter-free condition.
 8. Such machines shall have the same operating hours as the host use.
 9. Such machines shall be illuminated to ensure safe operation at all hours during which they operate.
- D. Small Collection Facilities.** All small collection facilities shall comply with the following standards.
1. Such facilities shall be established in conjunction with a permitted commercial or industrial use established in compliance with the WMC.
 2. Such facilities shall be no larger than 500 square feet and shall not occupy any required parking spaces.

3. Such facilities shall accept only glass, metals, and plastic containers; papers; and reusable items. Used motor oil may be accepted with permission of the Fire Marshal.
4. Such facilities shall use no power-driven processing equipment.
5. Such facilities shall have containers that are constructed and maintained with durable waterproof and rustproof materials, covered when site is not attended, secured from unauthorized entry or removal of material, and of a capacity sufficient to accommodate materials collected and the collection schedule.
6. Such facilities shall store all recyclable material in containers or in the mobile unit vehicle, and shall not allow for materials to be left outside of containers when an attendant is not present.
7. Such facilities shall be maintained free of litter and any other undesirable materials.
8. Mobile facilities, from which truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day.
9. Such facilities shall not exceed noise levels of 60 dBA as measured at the property line of residentially zoned property or property supporting a school, hospital, or other noise-sensitive use, or 70 dBA for any other property.
10. Unattended facilities located within 100 feet of a property zoned or occupied for residential use shall operate only between the hours of 9:00 a.m. and 7:00 p.m.
11. Containers for the 24-hour donation of materials shall be at least 30 feet from any property zoned or occupied for residential use unless there is an established service corridor and acoustical shielding between the containers and the residential use.
12. Containers shall be clearly marked to identify the type of material that may be deposited.
13. The facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers.
14. Permanently installed facilities shall be made compatible with the characteristics of the surrounding area through the use of architecture, colors, and landscaping. Mobile facilities shall make use of all opportunities for screening available to the site, and shall be required to install landscaping or construct screening devices, or both, to the maximum practical extent as determined by the Commission.
15. Mobile recycling units shall have an area clearly marked, and signs shall be posted prohibiting the parking of other vehicles in the area during the hours when the mobile unit is scheduled to be present.
16. A reduction in available parking spaces within an established parking facility in order to accommodate a recycling facility may be allowed, as follows, for a commercial or industrial host use:

<i>Number of Available Parking Spaces</i>	<i>Maximum Reduction</i>
0–25	0
26–35	2
36–49	3
50–99	4
100 +	5

E. Large Collection Facilities. All large collection facilities shall comply with the following standards.

- Such facilities shall be located a minimum distance of 100 feet from any property zoned or designated by the General Plan for residential use.
- Such facilities shall be screened from view with landscaping and a solid decorative masonry wall at least 6 feet in height.
- Setbacks and landscaping requirements shall be those provided for the zoning district in which the facility is located.
- All exterior storage of material shall be in either baled or palletized form, or in sturdy containers that are covered, secured, and maintained in good condition. Storage containers for flammable material shall be constructed of nonflammable material. Used oil storage must be in containers approved by the fire marshal. No storage, excluding truck trailers or overseas containers, may be visible over the height of the fencing.
- Site shall be maintained free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis.
- Space shall be provided on-site in an amount adequate to serve the anticipated peak customer load or five vehicles, whichever is higher, to circulate and to deposit recyclable material.
- One parking space for each employee and each vehicle operated by the recycling facility shall be provided on-site. The parking area thus created shall be exclusive of the circulation/drop-off area stipulated in standards number 6, above.
- Noise levels shall comply with Chapter 8.28, *Noise Control*, of the WMC.
- If the facility is located within 500 feet of property zoned or planned for residential use, it shall not be in operation between the hours of 7:00 p.m. and 7:00 a.m.
- Any containers provided for after-hours donation of recyclable materials shall be at least 50 feet from any property zoned or occupied for residential use; shall be of sturdy, rustproof construction; shall be of sufficient capacity to accommodate materials collected; and shall be secure from unauthorized entry or removal of materials.
- Donation areas shall be kept free of litter and any other undesirable material, and the containers shall be clearly marked to identify the type of material that may be deposited; the facility shall display a notice stating that no material shall be left outside

the recycling containers.

12. The facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation. Identification and informational signs shall meet the standards of the zoning district in which it is located. Directional signs, bearing no advertising message, may be installed with the approval of the Director, if necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way.
13. Power-driven processing, including aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for the efficient temporary storage and shipment of material, may be approved if noise and other conditions are met.

17.40.120 Residential Uses: Single-Family Residential Within the R1 District

- A. Purpose and Intent.** The purpose of this section is to provide general development standards for single-family residences.
- B. Development Standards.** A single-family dwelling unit and any expansion of such unit shall comply with the following criteria. The Director may require recordation of a covenant stipulating the conditions of approval for any project approved hereunder, whenever, in the judgment of the Director, such a covenant is necessary to provide constructive notice to any successor in interest on the subject property as to the nature of the approval conferred hereunder.
 1. The design of an addition shall be consistent with the design of the surrounding neighborhood and shall be compatible with the materials, color palette, architectural theme, and roof pitch of the existing dwelling unit.
 2. Common interior access to all living, sleeping, eating, and food preparation areas shall be provided through common use areas or a common hallway, and the dwelling unit, including any additions, shall function as a single-family dwelling. No addition or modification to a single-family dwelling shall be permitted that facilitates subdividing the interior of the dwelling unit into separate areas that may be used as independent living space, or that subverts or violates the R1 zoning district regulations.
 3. Each single-family dwelling shall have no more than one kitchen unless a second kitchen is approved pursuant to Section 17.400.135, *Residential Uses: Secondary Residential Units*.
 4. Three enclosed garage spaces with minimum interior dimensions of 10 feet by 20 feet each and three open parking spaces with minimum dimensions of 9 feet by 19 feet each shall be provided if a single-family dwelling has five or more bedrooms, or rooms which by the virtue of their design, location, and means of access within the dwelling can reasonably be used primarily for sleeping purposes without structural modifications.
 5. An exterior door from a bedroom shall not be permitted except under the following conditions:
 - a. Installation of the exterior bedroom door shall not facilitate subdivision of the

- interior of the dwelling unit into smaller, independent separate living or dwelling units.
- b. The door shall be decorative in nature and the area of the door shall be at least 50 percent translucent, such as a sliding glass door or French doors.
 - c. The door shall provide access to an improved landscaped or recreational area, such as a garden, spa, or patio, in the rear or side yard. If the exterior bedroom door opens onto a side yard, the side yard shall have a minimum dimension of 10 feet.
6. If a wet bar is proposed, it shall be located in a common living space, such as a family room or living room, with open access to other areas of the home provided that the portion of the home containing the wet bar can comply with the standard outlined in Section 17.400.130.B.3.
7. Exterior stairs to the second floor or balcony of a single-family dwelling shall not be permitted except under the following conditions:
- a. Installation of the staircase shall not facilitate subdivision of the interior of the dwelling unit into smaller, independent living or dwelling units.
 - b. The exterior door leading to the second-floor landing of the staircase shall be decorative in nature and the area of the door shall be at least 50 percent translucent, such as a sliding glass door or French doors.
 - c. The second floor of the house shall not have a kitchen, a wet bar or the utilities available to facilitate the installation of kitchen facilities unless a second kitchen is approved pursuant to Section 17.400.135, *Residential Uses: Secondary Residential Units*.
 - d. The staircase shall provide access from the second floor to an improved landscaped or recreational area, such as a garden, spa, or patio.
 - e. The interior staircase of the dwelling shall be retained and shall be utilized as the primary means of access to the second floor of the dwelling.
 - f. A deed restriction stipulating compliance with the above conditions shall be recorded on property in all cases where a second floor exterior staircase is approved.
8. Each single-family dwelling shall provide an enclosed two-car garage having a minimum interior dimension of 20 feet in width and 20 feet in depth, unless otherwise required by Section 17.400.120.B.4. A garage may have windows and may be finished with drywall provided that the garage shall not be used for habitable space and shall be available for storage of automobiles. The maximum size of a detached two-car garage shall be 550 square feet, and the maximum size for a three-car detached garage shall be 750 square feet. The additional garage space required for secondary units is exempt from the total maximum. Detached garages exceeding the established maximum size and attached garages exceeding 800 square feet in area are subject to an *Administrative Use Permit*, Chapter 17.550.

17.400.125 Residential Uses: Multiple-Family Residential

For multiple-family residential design guidelines, please refer to the City of Westminster Design Guidelines Manual. This manual is not included in any article of this Title, but is available for review on the City's website or at the offices of the Division.

17.400.130 Residential Uses: Accessory Structures

A. Purpose and Intent. The purpose of this section is to provide general development standards for accessory structures in residential districts.

B. Detached Accessory Buildings. Detached accessory buildings or structures shall not be used as habitable space, and shall observe the following restrictions:

1. An accessory building or structure 120 square feet or less and 7 feet or less in height including children's play houses shall be exempt from development restrictions (except Building and Fire codes) provided it is placed behind a line extending from the exterior wall of the main dwelling unit nearest the streets but not closer than the minimum setback line and no part of the building or structure extends beyond any property line.
2. For an accessory building or structure over 120 square feet in area, or one that is greater than 7 feet in height, the following restrictions shall apply:
 - a. The maximum cumulative area of a non-garage detached accessory structure(s) shall not exceed 200 square feet provided at least 1,000 square feet of contiguous open space remains in the rear yard.
 - b. A three-foot setback shall be maintained from the interior side and rear property lines when a detached structure is located within the rear one-third of the lot. Detached, accessory structures in the front two-thirds of the lot shall maintain side and rear setbacks established for main buildings.
 - c. A 10-foot street side setback shall be maintained for all corner lots.
 - d. Any portion of an accessory structure designed as a deck, platform, or walking or play area, including the top portion of an elevated playhouse/treehouse or platform, must maintain a 15-foot side and rear setback. This restriction does not apply if the adjacent properties are not zoned for residential use.
 - e. The maximum height of the building or structure shall not exceed 15 feet to the roof peak, except where structures contain a flat roof or shed roof, then the plate line shall not exceed 10 feet in height. For non-roofed structures, the maximum height shall be 10 feet to the highest portion of the structure, including, but not limited to, play equipment.
 - f. Eave overhangs or other similar projections shall not be closer than 2 feet to any side or rear property line.
 - g. The detached accessory structure shall maintain a minimum 6-foot separation from dwelling units.
 - h. When designed and used for a garage, workshop or shed, the building or structure

shall be consistent with the architecture of the surrounding neighborhood and shall be compatible with the materials, color palette, architectural theme, and roof pitch of the main building.

- i. Accessory structures may not contain temporary or permanent kitchen or cooking facilities.
 - j. Accessory structures may not be used for cooking or sleeping purposes. No person may sleep or otherwise reside in an accessory structure at any time whether such use is temporary or permanent, and whether or not compensation is provided.
 - k. Accessory structures may not contain bathroom fixtures except for a lavatory, toilet, and shower if in conjunction with an on-site, permanent, in-ground swimming pool. Spas, whether in-ground or above ground, and above-ground pools are not considered swimming pools for the purposes of this section.
3. Plumbing fixtures in an accessory structure other than those provided subject to Subsection B.2.k above are limited to one of the following: one single-basin wet-bar sink not exceeding one cubic foot in size; or one laundry sink if located adjacent to a laundry appliance fixture.
 4. The owner or applicant shall allow authorized City officials, or their designees, access to the premises where there is reasonable cause to believe that the accessory structure or its use is not in compliance with the approval or this Title.

17.400.135 Residential Uses: Secondary Residential Units

- A. Intent and Purpose.** The intent of the development standards in this section is to ensure that the secondary residential units remain as an accessory use to a single-family residence, that the parcels have adequate area to accommodate a secondary residential unit, and that such secondary residential units do not adversely impact surrounding residents nor the community.
- B. Development Standards.** Secondary residential units are permitted subject to the following standards:
 1. The lot or parcel is located in an R1 zoning district and is developed with only a one-family dwelling as the primary use of the property.
 2. The minimum lot or parcel size shall be 7,000 square feet.
 3. A maximum of one secondary residential unit shall be allowed per lot and shall be attached to or located within the one-family dwelling. All units shall comply with the Uniform Building Code.
 4. The secondary residential unit shall comply with all the R1 zoning district development standards listed in Section 17.210.015.
 5. The floor area of the secondary residential unit shall not exceed 640 square feet; however, in no case shall the primary one-family dwelling be reduced below the minimum floor area specified in this Title.
 6. The secondary residential unit shall be compatible in exterior appearance with existing

dwelling in the vicinity of the lot or parcel on which it is proposed to be constructed.

7. The primary residential use shall maintain the required off-street parking as specified in Sections 17.400.120.B.4 and 17.400.120.B.8. In cases where the primary residence does not meet the minimum number of garage parking spaces, compliance with the minimum number of garage parking spaces, as provided in Sections 17.400.120.B.4 and 17.400.120.B.8, shall be required. For the second unit, one additional garage space shall be added to the garage of the primary residential unit.
8. The property owner of record shall reside in the primary residence and restricted covenants shall be recorded by the property owner containing the specifications and restrictions of this section.

17.400.140 Self-Storage Facilities

A. Intent and Purpose. The purpose of regulating self-storage facilities is to ensure compatibility with surrounding properties and to provide for the quality development of such facilities.

B. Restrictions Applicable to All Self-Storage Facilities

1. All self-storage facilities shall meet all applicable requirements of the WMC, any other statutes or regulations that govern the storage of goods and materials, and those set forth herein.
2. A residential unit for a caretaker/security guard may be allowed as an accessory use and shall be no larger than 750 square feet and include no more than one bedroom. This residential unit shall not be rented and/or leased as a residential unit to anyone other than the caretaker/security guard. Such residential unit shall be developed as a part of the self-storage building facility, shall not be located in the frontage of the development, and shall not be a trailer, mobile home, or modular unit.
3. No flammable, explosive, or dangerous materials shall be stored in any storage unit.
4. Each storage unit shall be used for storage only. No commercial or manufacturing activities, vehicle repair or services, or related activities, whether for business or personal purposes, are permitted in any storage unit.
5. No utility services other than electrical lighting shall be provided to any storage unit.
6. The rental agreement for each unit shall include the provisions of the WMC regulating the storage of goods and materials.

C. Additional Requirements Applicable to Self-Storage Facilities in the C1 Zoning District.

1. The site shall have frontage on a major or secondary arterial highway, as defined in the General Plan Circulation Element. However, the site shall not have frontage on more than one major or secondary arterial highway or other public or private street.
2. The site shall have a minimum depth of 500 feet.
3. The site shall not exceed a street frontage of 300 feet.

4. The total area of the site shall not exceed 2.5 acres, and the maximum floor areas for a self-storage facility shall not exceed 100,000 square feet.
 5. The frontage of the site shall be developed with retail, service, or professional uses allowed in the applicable zone district, and the self-storage facility shall not be developed unless the required commercial use is also developed at the same time.
 6. The self-storage facilities shall be no closer than 100 feet from the street frontage property line.
 7. The commercial development/self-storage facilities shall meet all minimum landscaping, parking, and other development standards required for the zone in which it is located. Such minimum landscaping, parking, and other development standards shall be located within the portion of the property immediately adjacent to the street and shall not be part of the self-storage facilities.
 8. The self-storage facilities shall be on the same parcel as the retail, service, or professional development along the frontage required by this section.
 9. The self-storage facilities shall meet all development standards required for the applicable zone district, including front, rear, and side setbacks; landscaping; trash disposal areas; and parking, except as provided for in this section.
 10. The portions of the self-storage facilities that are within 30 feet of any residential use shall be no higher than one story (not to exceed 15 feet).
 11. The self-storage facilities shall be separated from the frontage development by secure walls and/or fences. The walls of a self-storage building(s) shall be considered a secured wall.
 12. The walls of the self-storage building(s) shall be of a design compatible with the frontage development.
- D. Additional Conditions for Self-Storage Facilities.** Additional conditions (e.g., hours of operation, sign regulations, structure materials, and design) may be imposed by the applicable review authority as deemed reasonable and necessary to protect the public health, safety, and general welfare of the community;

17.400.145 Service Stations

- A. Purpose and Intent.** This Section provides location, development, and operating standards for service stations in compliance with Article 2, *Zoning Districts, Permitted Land Uses, and Zone-Specific Development Standards*.
- B. Allowable Uses.** Service stations shall be limited to the sale of vehicle fuels and supplying goods and services required in the operation and maintenance of motor vehicles. These shall include:
1. **Automotive retail sales.** The retail sale of batteries, motor fuels, tires, lubricants, and oils.
 2. **Car wash.** A car wash as an incidental use, where allowed by Article 2, subject to a

conditional use permit.

3. **Vehicle repairs.** Incidental minor repairs, including brake, lubrication, tire, and tune-up service, shall be conducted entirely within an enclosed structure in compliance with the standards in Section 17.400.170, *Vehicle Repair Facilities*, and where allowed by Article 2, subject to a conditional use permit.
4. **Convenience store.** A new or existing service station may include an onsite convenience store as an accessory use, where allowed by Article 2, subject to a conditional use permit.
5. **Service station**
 - a. Service station shall also include, when conducted within the service station building, the servicing of fuel pumps, fuel lines, mufflers, exhaust pipes, grease retainers, wheel bearings, universal joints, repairing of carburetors, tires, electrical wiring, brakes, flushing of carburetors, steam cleaning, and washing, except automatic and self-service washing.
 - b. Service station shall also include, when conducted within the service station building, the overhaul of engines, differentials and transmissions; provided, that said repair shall only constitute an incidental part of the service station operation, and shall not be obnoxious or offensive by reason of emission of odor, smoke, noise or vibration.
 - c. Service station shall specifically exclude all painting, body and fender repair, welding, tire recapping, vehicle storage, equipment rental, and the display of items not incidental or related to motor vehicles, with the exception of items displayed in connection with a food market.

C. Prohibited Uses. The following uses and services are prohibited at service stations:

1. Auto body and fender repair, painting, upholstery work, and dismantling.
2. Tire recapping, machine work, or welding.

D. Operational and Development Standards. All service stations shall comply with the following operational and development standards:

1. No vehicle rental activities shall be conducted on the service station site.
2. All outdoor/open storage of materials shall be subject to the provisions established in Chapter 17.540, *Temporary Use, Temporary Event Permits*.
3. **Service stations**
 - a. **Landscaping.** Planter areas and tree wells shall be constructed and equipped with irrigation facilities and landscaped prior to final building inspection. The landscaping plan shall be approved by the Director. Walls. Where adjacent to developed residential property, or separated from a residential property by an alley, a six-foot-high masonry wall, stepped down to thirty-six inches within twenty feet of the front property line, shall be constructed. The height of the wall shall be

measured from the highest finished or existing grade level of the service station site and abutting properties. Where the development of adjacent property is undetermined, a bond may be posted in lieu of constructing the wall until a building permit is issued for the improvement of the adjacent property,

- b. The provisions contained in this code governing signs shall apply; provided, that all signs shall be prohibited within the area between the street side property lines and the pump islands, including that area which is a prolongation of an imaginary line running parallel with the street face of the pump islands,
 - c. Any lights to illuminate or advertise the service station shall be directed away from streets and adjacent residential properties,
 - d. The regulations contained in this code pertaining to service stations shall apply to the storage and display of new and used merchandise; provided, that no outside display of any kind shall be located within the area between the street side property lines and the pump islands, including that area which is a prolongation of an imaginary line running parallel with the street face of the pump islands;
 - e. A solid, masonry wall five feet high shall protect from public view a minimum trash storage area five feet by seven feet and of sufficient dimensions to contain accumulation of trash, and shall be located so that such area shall not interfere with motor vehicle circulation on the premises;
 - f. No vehicles shall be parked or stored upon the premises, except vehicles being serviced, vehicles of employees, or service vehicles used in the operation of the station.
4. ***Convenience Store.*** Convenience stores operated in connection with any service-station business are subject to the minimum standards listed below if off-sale of alcoholic beverages is proposed. When permission is denied or conditional permission is given, written findings based on substantial evidence, in view of the whole record to justify the decision, shall be provided by the Commission.
- a. The market shall have a minimum of 1,200 square feet of gross floor area.
 - b. The display area devoted to alcoholic beverages shall not exceed 25 percent of the total display area of the market.
 - c. No sale of alcoholic beverages shall be permitted from the pump islands or from any drive-up or walk-up window.
 - d. No external signs or window advertising for alcoholic beverages shall be displayed in such a manner as to be visible from the exterior of the building.
 - e. No amusement devices shall be allowed on the premises.

E. Site Maintenance. All service stations shall comply with the following maintenance standard:

- 1. Driveways and service areas shall be maintained and kept free of oil, grease, and other petroleum products in addition to litter. These areas shall be periodically cleaned with

equipment that dissolves spilled oil, grease, and other petroleum products without washing them into the drainage, gutter, and sewer system.

- F. Additional Conditions.** Additional conditions (e.g., hours of operation, sign regulations, structure materials, and design) may be imposed by the applicable review authority as deemed reasonable and necessary to protect the public health, safety, and general welfare of the community.

17.400.150 Small Lot Residential Development

- A. Purpose and Intent.** This section provides development standards for Small Lot Subdivisions in compliance with Article 2, *Zoning Districts, Permitted Land Uses, and Zone-Specific Development Standards* and as defined in Article 7, *Definitions*.
- B. Maximum Density.** The allowed maximum density of a Small Lot Subdivision shall not exceed the allowed density of the zoning district in which it is located.
- C. Development Standards.** A Small Lot Subdivision shall be subject to the development standards of the WMC, all other applicable regulations and statutes and the additional standards provided in Table 4.2.

Table 4-2	
Small Lot Subdivision	
<i>Development Feature</i>	<i>Requirement</i>
Minimum Building Site or Lot Size	3,100 SF (3,400 SF average)
Minimum Lot Frontage	40 feet.
Cul de sac and knuckle	30 feet
Maximum Height	
Dwellings	30 feet; maximum. 2 stories except 3rd level permitted if less than 500 SF Minimum. 5/12 roof pitch No decks above the second story
Accessory Structures	15 feet
Minimum Setbacks¹	
Front <i>Dwelling</i> <i>Covered Porches (unenclosed)</i> <i>Garage</i> <i>Upper Story</i>	15 feet plus offsets in front façade 10 feet 20 feet Upper story setback shall be varied
Side	8 feet aggregate, minimum 3 feet 0 feet permitted with minimum 8 feet on other side
Street Side	10 feet; includes minimum 4 feet landscape lettered lot (6 feet between building and property line).
Rear <i>Dwelling</i> <i>Garage</i>	15 feet; 50% of building width may be at 13 feet. 3 feet; 0 feet if garage is designed to back to another garage
Maximum Lot Coverage	50% plus 5% for covered porches, patio covers, balconies.

Table 4-2
Small Lot Subdivision

<i>Development Feature</i>	<i>Requirement</i>
Maximum Floor Area Ratio (FAR)	0.7
Minimum Interior Garage Dimension (width x depth)	Per Section 17.320.030(B) (Parking Space and Lot Dimensions) for residential parking spaces.
Minimum Building Separation to Accessory Building	6 feet.
Open Space	
Common recreational area (project)	<p>Projects of 20 units or more: 150 square feet per unit; minimum 5,000 square feet in size; minimum 50-foot dimension.</p> <p>Projects less than 20 units: Minimum 600 square feet of private and/or common area per unit. Private open space excludes side and front yard setback areas. Common open space requires minimum 10-foot dimension.</p>
Required Parking	Small lot developments shall provide parking consistent with single family residential developments specified in Chapter 17.320 (Off-Street Parking and Loading). In addition, a minimum 1 on-street space per unit for guest/visitor parking shall be provided.
Street Sections	
Streets	<p>The city shall review all proposed street sections upon submittal of the tentative map and development review applications.</p> <p>Minimum curb to curb width, subject to the review and approval of the City's Public Works Department and Orange County Fire Authority. On-street parking shall be provided on both sides of the street.</p>
Sidewalks/Parkways	Sidewalks shall be provided on both sides of the street. Minimum 6 foot landscape parkways may be provided on both sides of the street. Sidewalk widths shall be designed to Public Works Standards.
Walls and Fences	Decorative block walls are required along the perimeter of the project. The City may approve the use of wrought iron elements where appropriate.
Landscaping	Tree wells adjacent to landscape parkways on the street side of curb is encouraged, however shall not encroach into the minimum. 24 foot wide drive aisle.

¹ Additional setbacks may be required subject to the review of the Building Division and/or Orange County Fire Authority.

17.400.153 Studio Use

- A. Intent and Purpose.** The purpose of regulating studios, as defined in Article 7, Definitions, is to safeguard the health, safety, and general welfare of individuals, and ensure compatibility with surrounding properties.
- B. Operational Restrictions.** All studios, as defined in Article 7, Definitions, shall comply with the following:

1. No studio shall operate later than 10:30 p.m. daily
2. A dance studio is allowed to have no more than one “open house”, “practice party” or “social dance” night per week where the facility is open to the public at no charge and where dancing is conducted with or without instructors.

17.400.155 Tattoo Parlor or Dermatology Studio

A. Intent and Purpose. The purpose of regulating tattoo parlors and dermatography studios, as defined in Article 7, is to ensure compatibility with surrounding properties and to provide for the quality development of such facilities.

B. Restrictions Applicable to All Tattoo Parlors and Dermatology Studios

1. The hours of operation shall be limited to 9:00 a.m. to 9:00 p.m. daily.
2. The business shall not have opaque front windows and shall not have private workstations, in order to maintain adequate interior visibility.
3. A police permit shall be obtained for the tattoo parlor or dermatography studio, and for each tattoo artist or dermatography artist.
4. A tattoo parlor, dermatography studio, tattoo artist, or dermatography artist shall comply with the requirements of Chapter 8.10 of the WMC.
5. No person under the age of 18 shall enter upon the premises of a tattoo parlor or dermatography studio for the purpose of obtaining a tattoo unless in the company of said person’s biological or adoptive parent or legal guardian. The premises shall have signs posted in at least two prominent locations, with black letters at least one-inch high on a white background, which shall read: “NO PERSON UNDER THE AGE OF 18 SHALL BE PERMITTED ON THESE PREMISES UNLESS ACCOMPANIED BY A PARENT OR GUARDIAN.”
6. Any business that is not a tattoo parlor or dermatography studio, but employs or contracts with a tattoo artist or dermatography artist to provide skin markings and adornments to its customers, shall for the purposes of these requirements be considered as a tattoo parlor or dermatography studio. An exception shall be made for any California-licensed cosmetologist who provides facial tattooing only as a part of a complete regimen of cosmetology services.
7. Compliance with the terms of Sections 5.04.095, Tattoo Parlor or Dermatology Studios, and 5.28.010, Businesses Requiring Permits–Designated, of the WMC shall be required.

17.400.160 Temporary Storage Containers

A. Purpose and Intent. This Section provides location, development, and operating standards for temporary storage containers, in compliance with Article 2, *Zoning Districts, Permitted Land Uses, and Zone-Specific Development Standards*.

B. Applicability. The temporary placement of outside storage container(s) may be permitted for

individual retail businesses within the C2 zoning district having a minimum 100,000 square feet of permanent gross building floor area on one site.

C. Development Standards for Temporary Storage Containers

1. **Time period.** A permit may be approved, pursuant to the requirements of this Section, by the Division for a maximum duration of up to 90 consecutive days.
2. **Permit required.** After approval of a permit for a Level I Development Review, temporary outside storage container(s) are permitted as long as such containers are used, placed, and kept in compliance with other applicable sections of the WMC, in compliance with the requirements of this Section, and only according to the limitations of the issued permit. No other storage container(s) are allowed and no storage container(s) are allowed without a permit.
3. **Placement onsite.** Storage container(s) may only be placed on the same site where the retail business that applied for such permit is located and must be situated in close proximity to the business and the primary access door on the rear of the building that will be used to access the items stored in the temporary storage container(s).
4. **Permitted dimensions.** Storage container(s) shall not exceed a height of 8 feet 6 inches, a width of 8 feet 6 inches, or a length of 40 feet. Storage containers may not be stacked on top of each other.
5. **Permitted number.** A maximum of 8 temporary storage containers may be permitted on a site at any time.
6. **Placement on excess parking spaces.** Storage container(s) shall be located in the parking area of the retail building only, in which on-site parking provided exceeds parking required by the WMC. The storage container(s) shall not be permitted in required parking stalls.
7. **Placement on paved surface.** Storage container(s) shall be placed only on a paved parking lot surface. Storage container(s) may not be placed in landscape planters, nor shall landscaping be removed or damaged to install storage container(s).
8. **Emergency access.** Storage container(s) must be placed in a location that does not impact circulation or emergency access. A 25-foot, two-way drive aisle shall be maintained at all times. Storage container(s) shall maintain the minimum fire department clearances for drive aisles, fire lanes, and building exits at all times.
9. **Screened from visibility.** Storage container(s) shall be placed in such a way on the site to minimize visibility from public right-of-way, and shall be restricted to the rear of the building, with screening provided by screen walls, landscaping and/or surrounding buildings as appropriate.
10. **Separation from residential land uses.** Storage container(s) shall be placed a minimum of 25 feet from any adjacent residential property line.
11. **Exterior paint.** Storage container(s) shall be painted a color similar to or matching the primary color of the adjacent building. Graffiti shall be removed within 24 hours of any storage container(s) that is defaced.

12. ***Exterior maintenance.*** The area surrounding storage container(s) shall be maintained in a clean and orderly manner at all times, and no merchandise, shelving, or other items shall be stored outside the container(s).
13. ***Advertising.*** The placement of signs, advertising copy, banners, or any other advertising device is prohibited on storage container(s).
14. ***Lighting and electrical.*** All lighting used inside or outside storage container(s) shall be designed and located to confine light to the storage container(s) or the immediate area. Electrical permits shall be obtained as required, and no other electrical devices may be used other than lighting as allowed in this section.
15. ***Use limited to temporary storage.*** Storage container(s) may only be used for the temporary storage of merchandise, inventory, shelving, displays, or other incidental items related to the operation of the retail business. Business or sale of merchandise may not be conducted directly from storage container(s). Storage container(s) may not be used for habitable space, office, or as a meeting area, and shall be kept closed and secured at all times other than when items are being moved in or out of the storage container(s).
16. ***Restoration of site.*** Storage container(s) shall be placed on the site in such a manner as to prevent damage to the pavement surface. Remedial property maintenance may be required upon termination of the use to restore the site to its original condition, including but not limited to the repair of the pavement surface, removal of debris from the immediate and adjacent areas, building or wall repairs, or landscape refurbishment. Such repairs shall be completed within 14 days of the cessation of the approved period of use and shall be the responsibility of the permittee.
17. ***Determination.*** The Division shall review the complete application for a temporary site plan. The decision will be to deny, approve, or approve with conditions, in addition to those conditions described herein, including conditions for a duration or number of containers that is less than requested. Such administrative decisions may be appealed to the Commission in the manner prescribed under Chapter 17.640, *Appeals*.
18. ***Noncompliance determined to be a nuisance.*** Any storage container(s) not in compliance with the provisions of this section is hereby found and declared to be a public nuisance and violation of the provisions of this Section shall be a misdemeanor. The City attorney is hereby authorized to proceed by all appropriate legal proceedings to enjoin and/or prosecute the continued use of storage containers not in compliance with this section.

17.400.165 Transportation Demand Management

- A. ***Purpose and Intent.*** New commercial, industrial, and mixed-use development, including employment centers of 100 persons or more, may adversely impact existing transportation and parking facilities, resulting in increased motor vehicle emissions, deteriorating levels of service, and possibly significant additional capital expenditures to augment and improve the existing transportation system. In order to utilize the existing and planned transportation system more efficiently and to reduce vehicle emissions, it is the policy of the City to:
 1. Reduce the number of peak period vehicle trips generated in association with additional development.

2. Promote and encourage the use of alternative transportation modes such as ridesharing, carpools, vanpools, public bus and rail transit, bicycles and walking, as well as those facilities that support such modes.
3. Achieve related reduction in vehicle trips, traffic congestion, and public expenditure and achieve air quality improvements through utilization of existing local mechanisms and procedures for public review and permit processing.
4. Promote coordinated implementation of strategies on countywide basis to reduce transportation demand.
5. Achieve the most efficient use of local resources through coordinated and consistent regional and local Transportation Demand Management (TDM) programs.

B. Applicability.

1. This Section shall apply to all new non-residential development projects that are estimated to employ a total of 100 or more persons as determined by the methodology set forth in Section 17.400.165.B.2.
2. For purposes of determining whether a new non-residential development project is subject to this chapter, the total employment figure shall be determined as follows:
 - a. Employment projects developed by the project applicant, subject to approval by the Director; or
 - b. Employment projects developed by the Director using the following employee generation factors by type of use:

<i>Land Use Category</i>	<i>Gross Square Footage Per Employee</i>
Commercial	500
Office/Professional	250
Motel	0.8 - 1.2 per room
Industrial	525

The employment projection for a development of mixed or multiple uses shall be calculated on a case-by-case basis upon the proportion of development devoted to each type of use.

C. Definitions. Please refer to Article 7 for definitions of terms utilized in this Section.

D. Development Standards. All applicable developments shall be reviewed to determine whether application of each of the development standards specified in this Section is appropriate. This determination, and any revisions to requirements within each standard, shall be made by the Director or the Commission in cases where a public hearing is required, based upon review of the design characteristics and other features of the project as specified in the project site plan. Improvements needed to meet those standards shall be incorporated into the project site plan.

1. *Preferential Parking for Carpool Vehicles*

- a. At least 15 percent of the employee parking spaces shall be reserved and designated for carpool vehicles by marking such spaces "Carpool only."
- b. Carpool spaces shall be used only by carpool vehicles in which at least two of the persons will be employees or tenants of the proposed project, or where a reciprocal preferential carpool parking agreement with other developments has been established with the approval of the Director.
- c. Such carpool spaces shall be located near the building's employee entrance(s) or at other preferential locations within the employee parking areas as approved by the Director.
- d. (The intent of this section is not to preclude parking arrangements for visitors and handicapped but to provide preferential carpool parking within the general employee parking areas. The factors listed below shall be used to determine the number of employee parking spaces.)
- e. The total number of employee parking spaces shall be determined by using the following factors by type of use as specified in Chapter 17.320, *Off-Street Parking and Loading*:

<i>Type of Use</i>	<i>Percent Total Parking Devoted to Employee Parking</i>
Commercial	30 percent
Office/Professional	85 percent
Industrial	90 percent
Motel	10 percent

2. ***Bicycle Parking and Shower Facilities***

- a. Bicycle parking and locker facilities shall be provided in a secure location for use by employees or tenants who commute to the worksite by bicycle. The number of facilities/racks to be provided shall be at the rate of at least 5 racks and lockers for every 100 employees or fraction thereof. Where the provisions of this section conflict with the provisions of Section 17.320.040, *Bicycle Parking*, the provision requiring the greater number of bicycle parking facilities shall prevail.
- b. A shower and locker-room facility for employees of each sex shall be provided in each building of 100,000 or more gross square feet. For any development containing 100,000 or more total combined gross square feet, but which does not contain any single building of 100,000 or more gross square feet, the Director or Commission may require such development to provide shower and locker room facilities in a convenient and accessible location for use by employees of all tenants.

3. ***Information on Transportation Alternatives***

- a. A transportation information center shall be provided within each building of over 25,000 square feet. This area shall be centrally located and accessible to all employees or tenants.

- b. Information in the area shall include, but not be limited to:
 - i. Current maps, routes, and schedules for public transit;
 - ii. Ridesharing match lists;
 - iii. Available employee incentives; and
 - iv. Rideshare promotional material supplied by commuter-oriented organizations.

4. ***Bus Stop Improvements***

- a. Bus stop improvements, including bus pullouts, bus pads, and right-of-way for bus shelters, shall be required for all applicable developments located along high traffic volume streets and established bus routes.
- b. Bus stop improvements shall be determined in conformity with standard traffic engineering principles including, but not limited to:
 - i. The frequency and relative impact of blocked traffic due to stopped buses; and
 - ii. The level of transit ridership at the location.
- c. Bus stop locations shall be determined in conjunction with the Orange County Transportation Authority.

5. ***Pedestrian Access.*** Sidewalks or other paved pathways following direct and safe routes from the external pedestrian circulation system to each building in the development shall be provided.

6. ***Modifications to Approved Standards.*** No developer, tenant, or employer, separately or collectively, shall modify or cause to be modified any standard approved for a specified development project in accordance with this Section without first having submitted the proposed modification to the Director for review and approval. Any proposed modification shall be accompanied by detailed information and drawings which, in the judgment of the Director, are sufficient to enable the Director to find that conditions or circumstances pertaining to the development have changed to a degree that justifies the modification. Any major modification shall be approved in the same manner as the original development project.

17.400.170 Vehicle Service Facilities

A. Purpose and Intent. This section provides location, development, and operating standards for vehicle repair facilities, in compliance with Article 2, *Zoning Districts, Permitted Land Uses, and Zone-Specific Development Standards*.

B. Operational Standards. All vehicle repair facilities shall comply with the following operational standards:

- 1. All work shall be performed within a fully enclosed structure.

2. All structures shall be sufficiently soundproofed to prevent a disturbance or a nuisance to the surrounding properties, in compliance with Chapter 8.28, *Noise Control*, of the WMC.
 3. Vehicle parking or loading and unloading shall only occur on-site and not in adjoining public streets or alleys.
 4. Vehicles shall not be stored at the site for purposes of sale (unless the use is also approved as a vehicle sales lot).
 5. Location and display of accessories, batteries, and tires for sale shall be on or within 3 feet of the main structures exterior.
 6. No vehicle rental activities shall be conducted on the vehicle repair shop (unless the use is also approved as a vehicle rental lot).
 7. All outdoor/open storage of materials shall be limited to a maximum area of 150 square feet and shall be enclosed by a 6-foot-high solid decorative masonry wall, subject to the approval of the Director.
- C. Development Standards.** All vehicle repair shops shall comply with the following development standards.
1. All exterior light sources, including canopy, flood, and perimeter shall be energy efficient, stationary, and shielded or recessed to ensure that all light, including glare or reflections, is directed away from adjoining properties and public rights-of-way, in compliance with Section 17.300.040, *Outdoor Lighting*.
 2. All body-damaged or wrecked vehicles awaiting repair shall be effectively screened so as not to be visible from surrounding properties of the same elevation as determined by the Planning Manager.
 3. Overhead bay doors shall be oriented away from the street frontages and any abutting residentially zoned property,
- D. Additional Conditions.** Additional conditions (e.g., hours of operation, sign regulations, structure materials, and design) may be imposed by the applicable review authority as deemed reasonable and necessary to protect the public health, safety, and general welfare of the community.

17.400.175 Wireless Communication Facilities

- A. Purpose.** This Section provides development and operating standards for wireless facilities in compliance with Article 2, *Zoning Districts, Permitted Land Uses and Zone-Specific Development Standards*.
- B. Design Standards**
1. **Setback requirements.** All wireless communication facilities subject to the provisions of this section shall meet the setback requirements for a building in the zoning district in which it is located.

2. **Maximum height.** All wireless communication facilities subject to the provisions of this section shall meet the maximum height requirements of the zoning district in which each is located. If a zoning district has no maximum height, the maximum height for a wireless communication facility shall be 35 feet or the height of the highest structure on the same site as the proposed facility, whichever is higher.
3. **Stealth facility.** A stealth facility shall be located and designed to minimize its appearance as a wireless communication facility including, but not limited to, the following stealth techniques to camouflage, disguise and/or blend into the surrounding environment, as appropriate:
 - a. A stealth facility shall be designed and constructed in a scale substantially in conformity with and/or architecturally integrated with surrounding building designs or natural settings, so as to be visually unobtrusive.
 - b. A stealth facility mounted on structures or on architectural details of a building shall be externally treated to substantially match existing architectural features and colors found on the building or structure(s). Facade-mounted wireless communication facilities shall be integrated into the building's architecture through design, color, and texture.
 - c. Roof-mounted stealth facilities shall be on an area of the roof where the visual impact is minimized and shall be screened from view as required by the zone in which the facility is being placed. Roof screening shall meet the requirements of this Title for such screening and shall be consistent in design, color, texture, and materials with any existing mechanical screening and the design of the building on which the stealth facility is located, to the extent that such design or materials do not affect the performance of the wireless facility. The screening shall be contiguous with and connected to any existing rooftop screening, when appropriate, as well as connected to the roof pursuant to the requirements of this Title, as required by the zoning district in which the facility is being placed.
 - d. Aboveground and partially buried stealth facilities shall be screened from surrounding properties and surrounding areas open to the general public, including public rights-of-way, when there exists a visual aesthetic impact. Any visible portion of such stealth facilities shall be externally treated to be substantially architecturally compatible with surrounding structures and/or screened using appropriate techniques, including landscaping, to camouflage, disguise, and/or to blend into the environment. Applicants for wireless facilities shall endeavor to locate such facilities in an area that will be least visible from surrounding properties and public places, including public rights-of-way.
 - e. Notwithstanding any other provision of this section, any wireless communication facility that does not meet the standards for a stealth facility as herein defined, shall require a level two design review approval, as required in Chapter 17.520, *Development Review*.
4. **Colors and materials.** Unless otherwise required by a stealth facility design, all wireless communication facilities shall meet the following color and materials criteria:
 - a. The visible, exterior surfaces of wireless communication facilities shall be constructed out of and/or covered by non-reflective materials.

- b. The colors and materials for wireless communication facilities, their equipment, and any other appurtenances shall minimize the visibility of the wireless communication facility. Facilities that will be primarily surrounded by or viewed against soils, trees, or grasslands shall be painted colors reasonably matching these landscapes.
- 5. **Landscaping.** Unless otherwise required by a stealth facility design, all wireless communication facilities shall meet the following landscape requirements:
 - a. All ground-mounted wireless communication facilities and related equipment shall be screened by landscaping when there exists a visual impact from the proposed facility. Existing on-site vegetation shall be preserved intact or improved.
 - b. All landscaping shall meet the landscaping requirements of the zoning district in which the facility is located. Additional landscaping may be required by the City if such additional landscaping is necessary to meet the requirements of this section.
- 6. **Signs and advertising.** Unless co-located and an integral part of a sign approved pursuant to this Title or approved under the appropriate design review level incorporating a sign identifying the City or on a publicly-owned facility, wireless communication facilities shall not bear any signs or advertising devices other than certification, warning, or other legally required seals or signage.
- C. **Maintenance.** The wireless communications facility operator and/or property owner shall be responsible for maintaining the facility in an appropriate manner to maintain compliance with the requirements of this section. Maintenance shall include the general upkeep of the facility, which includes but is not limited to general cleaning of the facility, keeping the facility painted in an appropriate manner, keeping bird nests and other similar items cleared from the antenna area, and removing any built-up dirt, litter, or debris from the facility.
- D. **Abandonment.** All approvals for wireless communication facilities shall be in effect only while the facilities are being operated on a continual basis. When a wireless communication facility is replaced or its use is discontinued for a period of 6 months and there is no active permit application pending for re-use of the facility, the approvals granted pursuant to this section will lapse, and the operator and/or property owner shall be required to facilitate the immediate removal of the facility and all associated equipment and shall restore the property to its original or an otherwise acceptable condition, subject to the approval of the Director.
- E. **Noncompliance Determined to be a Nuisance.** The installation, after the effective date of the ordinance codified in this article and/or the use of any wireless communication facility installed after the effective date of the ordinance codified in this article within the City that is in violation of any of the terms of this article is found and declared to be a public nuisance and a misdemeanor. The City attorney is authorized to proceed by all appropriate legal proceedings to enjoin and/or prosecute the continued operation of such nuisance.
- F. **Applicability of Other Legal Requirements.** The requirements of this section shall not be construed in any way to be an exemption of, or otherwise excuse any person from obtaining any approval or permit or otherwise complying with any applicable state or federal law or with any other provisions of this Title. A building permit is required for installation of antenna towers, poles, or attachments thereto. The applicant shall submit a site plan, manufacturer's specifications, structural analysis of the support members, braces and footings, or equivalent design date.

17.400.180 Dish Antennas**A. General**

1. The dish antenna shall be painted a neutral color to blend with the background to the maximum degree possible.
2. A building permit shall be obtained for a ground-mounted antenna eight feet in diameter or eight feet or more in height. For roof-mounted antennas, a permit shall be obtained for antennas three feet or more in diameter or five feet or more in height. A permit shall be obtained for any electrical installation.
3. A dish antenna shall not exceed twelve feet in diameter or fifteen feet in overall height as measured from the mounting surface.

B. Residential/Public Facilities Districts

1. No more than one dish antenna shall be permitted per lot, regardless of the number of dwelling units on the lot. Condominium or apartment complexes constructed as a single, cohesive development shall be considered as one lot for the purposes of this section even though they may consist of more than one parcel.
2. A dish antenna is permitted in the rear yard only and shall not be located on the roof of a structure.
3. A setback of five feet from any property line shall be maintained. On corner lots a setback of ten feet from an abutting public street shall be maintained.
4. A dish antenna shall be screened by a six-foot-high wall or fence or other suitable screening device having a height of six feet.

C. Commercial/Industrial Districts

1. One dish antenna is permitted per business address.
2. No dish antenna is permitted in any required front yard or in any side yard abutting a street. The antenna may be roof mounted or located within a landscaped area, but it shall not be located in any required parking spaces or aisles. A setback of five feet shall be maintained from lot line, and ten feet shall be maintained from any side or rear lot line abutting a street.
3. A dish antenna shall be screened with vegetation or natural or man-made materials in compliance with standards adopted by the planning commission. Minimum screening height shall be six feet. If roof-mounted, the antenna shall be located so as to minimize its projection above the roof-line as viewed from a height of six feet from any point on the property line or lines abutting a public street or streets. Any projection that has an apparent projection of six feet above the roof-line shall be screened in compliance with the provisions of this article.